



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

M E M O R A N D U M

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director/City Planner

DATE: October 30, 2003

SUBJECT: Plan Case No. 1865-T-03: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to the Mixed Office Residential (MOR) District.

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to make several modifications pertaining to the Mixed Office Residential (MOR) District that extends along portions of Green, Elm, and Race Streets. The proposed amendments encompass the following:

- Clarification of the intent statement
- Reconstitution of the Development Review Board
- Revision to Development Review Board procedures
- Revision to Development Review Board criteria for approval
- Introduction of design guidelines for Development Review Board use
- Modifications to allowable parking area design
- Streamlining of review process to encourage adaptive reuse
- Provisions to improve public participation

In addition, a number of other related issues and action items have been discussed at Plan Commission meetings pertaining to the MOR and are summarized here:

- Demolition procedures
- Adjustments to development regulations (FAR and lot area)
- Adjustments to permitted use table
- Potential sites for rezoning
- Adjustment to permit parking area
- Adjustment to definition of bedroom

- Parking requirements for multi-family residences
- More extensive review of proposals around Historic Properties

Background

History of the MOR Zoning District

The Mixed-Office Residential (MOR) Zoning District was created in 1990 as a result of the Downtown to Campus Plan. The Downtown to Campus Plan addressed the larger neighborhood located between Downtown Urbana and the University of Illinois and addressed the goal of “achieving a desirable and compatible balance among the area’s diverse residential, commercial and institutional land uses in order to protect the historical, architectural, economic and environmental character of the neighborhood.” Land use designations in the plan included the Mixed Residential/Office designation which is defined as:

“a mixture of residences, offices and small shops that are primarily located in older residential buildings. The reason for allowing the re-use of these buildings is to provide the owners with a greater economic return than can be gained from renting only to residential tenants. This will provide an incentive to retain these structures rather than raze them and build large apartment buildings. By allowing such mixed uses, the City hopes to preserve the character and appearance of these areas as well as strengthen the attraction between the campus and Downtown Urbana by encouraging more activity along Green Street. This type of mixed development must be done very carefully with special care given to the scale of new buildings and the location of parking areas on these lots.”

The resulting MOR Zoning District was one of several new designations foreseen by the plan, many of which involved an effective downzoning of properties to protect the neighborhoods to the east of the University campus. Approximately 90 properties along Green Street and Elm Street from Race Street to Busey Avenue were rezoned from high-density residential zoning classifications to the new MOR Zoning District. The intention of the district, as stated in the Zoning Ordinance, was to promote a mix of small-scale residential, office and business uses through the adaptive re-use of the existing structures. It was envisioned that the older homes along the Green and Elm Street corridors that had been traditionally divided for multiple apartments could be rehabilitated and transformed into less intense uses including “boutique” type of businesses and offices. In order to maintain an appropriate level of density and intensity in the district, specific limitations were implemented which regulate how much of a lot can be developed. It was further envisioned that the scale and design of new development would be harmonious with the existing neighborhood and would be constructed to fit the character of the existing development. The MOR district does not restrict the demolition of existing structures and allows new construction provided that it is “compatible” with the neighborhood. Multi-family development is a permitted use in the district.

The Zoning Ordinance was also amended to include provisions for a Development Review Board to

review any development proposals in the district. The Development Review Board is comprised of five city staff members, including three members from the Community Development Services Department and two members from the Urbana Public Works Department. Article XI-12 outlines thirteen review criteria that the Board is to consider when deciding on development proposals. The criteria range from general issues of neighborhood compatibility to technical issues of access and drainage. The Board is specifically restricted from considering design considerations as a part of its review process and limited in its review to site plan, layout and massing considerations. A unanimous vote of the Board is required in order for a proposal to proceed to construction. If the Board does not unanimously approve a development proposal, the case is taken to the Urbana Zoning Board of Appeals for final determination.

A copy of the current zoning regulations pertaining to the MOR zone is attached along with a map showing the lots that are contained within the MOR. This map shows a total of 98 properties zoned MOR: 49 along Green Street, 39 along Elm Street, 6 on Race Street, 2 on Birch Street, and 1 on McCullough Street. Of these 98 properties, 13 (13%) are estimated to be owner-occupied based on tax assessor's data (circled on the attached map). Of the owner-occupied properties, 6 are on Green, 6 are on Elm, and 1 is on McCullough.

Attached to this Memorandum is a copy of a slide presentation regarding the MOR District and its background as presented at a Plan Commission study session on September 18, 2003.

Projects in the MOR Zoning District

Since the inception of the MOR district in 1990 and the beginning of 2003, there were 14 requests made to the Development Review Board. Of the approved requests, the most significant projects have been new multi-family construction located at 604½ West Elm Street, the "Aspen on Green" at 308 West Green Street, 712 West Green Street and 611 West Green Street. There have also been a number of remodeling projects approved, including those for the Lindley House Bed and Breakfast, Timothy John's Salon at 404 West Green, the conversion of 401 West Elm Street to offices, and the conversion of 511 West Green Street for a Christian Counseling Center.

Although the original concept for the district was to adaptively reuse existing structures for new small-scale commercial, office and residential uses, the primary demand from developers has been to construct new multi-family developments. The economic advantage foreseen in the Downtown to Campus Plan for adaptive reuse has not been apparent. This may be due to a number of factors, including limited demand for retail and office space in this area, the relative strength of the multi-family market in such close proximity to the University, construction costs associated with adaptive reuse, structural difficulties in meeting code requirements for commercial uses - for concerns such as fire protection and ADA compliance, and lack of available short-term parking.

In 2003, the DRB reviewed three development proposals for multi-family development within a small

stretch of the 600-700 block of West Green Street. The multi-family project proposals at 605, 611, and 701 West Green represented the first development proposals in the district in nearly seven years and generated concern from the neighborhood regarding the regulations of the district and the process for approval through an internally staffed Development Review Board. The review process for these projects also raised concerns on the part of the Development Review Board members regarding the appropriateness of their role as both technical reviewers and decisionmakers for these controversial projects and the restrictions on addressing design considerations as a part of the review process, when design modifications are often necessary to achieve the compatibility purposes of the District.

Following extensive review and project modifications, the Development Review Board granted approval of an eight-unit apartment development at 611 West Green, a six-unit building at 605 West Green, and an eight-unit building at 701 West Green Street. The 611 and 701 West Green Street projects also obtained minor setback variances from the Zoning Board of Appeals. Under provisions of the Historic Preservation Article of the Zoning Ordinance, the Historic Preservation Commission provided input to the Development Review Board and the Zoning Board of Appeals regarding the impacts of the proposal at 611 West Green on the Ricker House which holds local landmark designation and is located directly across the street from the property at 611 West Green.

Interim Development Ordinance

As a direct response to the recent apartment proposals along West Green Street, a petition containing 185 signatures was submitted to the City Council requesting a moratorium on development in the MOR zone to allow time for the City to amend the regulations so that any redevelopment would be governed by specific design criteria, to limit zoning density to maintain the historic feel of the area as articulated in the 1990 Downtown to Campus Plan and to include citizen participation as a part of the Development Review Board.

On July 21, 2003 the Urbana City Council adopted Ordinance No. 2003-07-073, an Interim Development Ordinance (IDO), as an amendment to the Urbana Zoning Ordinance for the purpose of creating a 120-day moratorium on any non-exempt development in the MOR, Mixed-Office Residential Zoning District. The purposes of the IDO and the moratorium were as follows:

- To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.
- To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.

- To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.
- To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.
- To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

The IDO identified a number of exceptions to the moratorium to accommodate special circumstances with certain restrictions, including then pending cases before the Development Review Board; a pending demolition case; exceptions to directly protect the health, safety, and general welfare of the public; exceptions to allow demolition and reconstruction related to fire, explosion, or act of God; and exceptions in cases of hardship. Since enactment of the moratorium, one exception has been granted to allow for repair of an exterior staircase due to safety concerns. The moratorium will expire on November 21, 2003.

Previous Efforts at Amendment

Extensive amendments to the MOR zone have been proposed in the past. The amendments were proposed in reaction to concerns that the adaptive reuse of structures was not being successfully promoted and that development was not occurring as envisioned in the Downtown to Campus Plan. In 1997, a broad-based committee of volunteers representing property owners within the MOR, residents adjacent to the MOR, architects, historic preservation, City Council, MOR business owners, and staff convened and recommended a number of amendments. The recommendations included:

- Change of name to the “Business-Residential District” (BRD) to allow for improved marketing of the area.
- Recomposition of the Development Review Board to consist of the Zoning Administrator, City Engineer, a practicing licensed architect, a resident or property owner within the district, and a resident or property owner within 250 feet of the district.
- Streamlining of the approval process to allow for Development Review Board granting of variances and conditional use permits.
- Development Review Board review of new construction site plans only with administrative review of alterations to existing construction.
- Review of Special Use Permits by the Plan Commission without the need for Development Review Board review as well.
- Multiple-family use of existing structures for four or fewer units to be approved administratively; multiple-family use of existing structures for more than four units and new multiple-family structures

of less than four units to require Development Review Board approval; and new multiple-family structures of greater than four units to require a Special Use Permit.

The proposed amendments were reviewed by the Plan Commission in 1998. Minutes from the Plan Commission meetings show that a number of changes were suggested by the Commission that would have entailed significant departures from the staff and Committee recommendations, particularly with respect to the review role of the Plan Commission. The suggested amendments were not completed by staff (likely due to major staff changes at the time) and were never considered by the City Council.

In the intervening years, City staff has continued to receive comments on the MOR District. Most of these comments have been from local architects and developers who have noted concern with the restricted floor area ratio requirements in the district and the difficulty of being able to design new construction to fit within the existing lotting pattern in the area.

In preparing the current amendment proposal, staff has reviewed and considered the previous amendment proposals and has discussed the proposed changes with members of the previous committee. Several suggestions of this previous effort are reflected in the current proposal.

Amendment Review Process

In preparing the proposed amendment, staff have undertaken extensive research including:

- Review of previous MOR cases
- Review of building permit activity in the MOR District
- Inventory of property ownership patterns
- Inventory of land use patterns
- Visual inventory of all properties in the MOR District
- Architectural inventory of all properties (under preparation for design guidelines)
- Focus group discussions with affected residents, developers, Mayor, Councilmembers, existing Development Review Board members, City Attorney, and Chief Administrative Officer

Preliminary input has been sought from the Plan Commission in the study session held on September 18, 2003 and in public hearings held on October 9, 2003 and October 23, 2003. Specific input on the design guidelines was sought from the Historic Preservation Commission on October 1, 2003. A summary of the specific design suggestions made by the Commission is attached.

Staff is also working with a graduate student architect who is student director of CIVITAS, a newly founded design center located at the University of Illinois at Urbana-Champaign. Development of design guidelines for the MOR District is the first professional project for the CIVITAS design center. CIVITAS is also engaged in a design workshop focusing on the Lincoln Square Mall area. It is

anticipated that the design guidelines, to be prepared in pattern book form, will be completed by the beginning of the Spring semester. The design guidelines are proposed to be referenced in the Zoning Ordinance as a stand-alone document that may be updated separately.

Summary of Proposed Amendment

Attached to this Memorandum is a copy of the existing regulations of the Zoning Ordinance as they pertain to the MOR District. Pertinent sections include Sections IV-2.1, Purpose of Districts; Section V-8, Additional Use Regulations in the MOR District; Section VIII-3.J., Location of Parking Facilities; and Section XI-12, Development Review Board. These pertinent sections are proposed for major revisions as shown in the attached Ordinance and summarized below. More specific annotations on the proposed text amendments were also provided as attachments to the Plan Commission Case Memoranda dated October 6, 2003 and October 17, 2003.

Section IV-2.1, Purpose of Districts

The existing purpose statement for the MOR has been criticized during public comment at the Development Review Board and Plan Commission meetings as being vague and contradictory. The proposed purpose of the District is made more concise and less confusing in its intent as follows:

The MOR, Mixed-Office Residential District is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the useful life of such structures. New construction shall be designed and constructed in a manner that is consistent with the character of the district. The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected.

The revised purpose statement makes clear that both adaptive reuse and new construction are permitted in the district, but that adaptive reuse is encouraged.

Section V-8, Additional Use Regulations in the MOR District

Minor wording changes to this section are proposed for improved clarity as to the application of the MOR. Portions of the current Section XI-12.E (Site Plan Adjustments) are revised and incorporated into this Section.

A new section V-8.B. is added to allow for administrative review of adaptive reuse projects. The Plan

Commission discussed ways in which the primary original intent of the MOR District to encourage adaptive reuse of existing structures could be further encouraged. Commissioners were also concerned that by reconstituting the Development Review Board membership to a public board (as opposed to staff-constituted) and by introducing design guidelines, it may make it even more difficult to achieve redevelopment in the area. To address these concerns, the proposed amendment would allow administrative review and approval of all adaptive reuse projects in the MOR district. Projects would still need to meet the relatively strict development regulations pertaining to the area (FAR of 0.70, etc.) and would also need to show compliance with the intent, criteria and design guidelines for the area. Allowing for administrative review of these proposals is likely one of the most effective ways to encourage reuse, in that it can save an applicant time and money and removes the risk and perceptual barrier of having to attend public meetings to defend one's proposal. By including this provision, the amendments will be more balanced in helping to promote favorable change in the area. A similar amendment was also recommended in the 1998 citizen's committee review of the MOR

Section V-8.F would allow some flexibility in existing codes and requirements for adaptive re-use projects. In some instances, the strict application of the development regulations can make an adaptive re-use project infeasible due to uncontrollable circumstances such as existing building placement on the lot, lot size, shape or location. The goal of this provision is to permit the Zoning Administrator to allow slight modifications when necessary to achieve the overall goal of adaptive re-use of existing structures. The current regulations allow this same flexibility for Development Review Board review of adaptive reuse projects.

Section VIII-3, Location of Parking Facilities

This section has been amended to allow for parking below a principal structure in accordance with the parking standards of the ordinance and subject to the provisions of the MOR Design Guidelines. The Guidelines are anticipated to allow partial subgrade parking only if it is located away from the street and is screened architecturally and/or with landscaping. The intent of this amendment is to allow for alternatives to surface parking lots but to avoid the detrimental appearance of first-level parking.

Section XI-12, Development Review Board

This section has been completely revised as follows:

A. Creation and Purpose

The purpose and objectives of the Development Review Board are clarified consistent with the purpose of the District. The provisions for Membership are relocated to a new Section XI-12.C.

B. Powers and Duties

This new section sets forth the powers and duties of the Development Review Board.

C. Membership

Membership of the Development Review Board is modified to include a member of the Plan Commission, a member of the Historic Preservation Commission, a licensed architect, an owner of property within the district, a citizen residing within the district or within 250 feet of the district, a local developer, and an owner of a local business. As with other City boards and commissions, the Development Review Board members will be appointed by the Mayor with City Council approval.

The proposed amendment is to provide for improved citizen and stakeholder participation on the Development Review Board and will allow City staff to provide professional support in making recommendations to the Board. By including a licensed architect and qualified member of the Historic Preservation Commission, the Development Review Board will be in a stronger position with respect to reviewing responsiveness to design guidelines. The make-up of the Development Review Board is explicitly meant to provide a diverse and balanced perspective with specific expertise to review proposals.

D. Officers.

As with other City Boards and Commissions, procedures are established for Board officers.

E. Meetings

As with other City Boards and Commissions, procedures are established for Board meetings. The Review Board meetings are required to be held in the evening which will help to promote improved citizen participation.

F. Decisions

The rules for quorum, voting, and abstention for the Development Review Board were reviewed with legal staff. In summary, every member of the Development Review Board present at a meeting must vote either “aye” or “nay” unless they abstain, which shall only be for reasons for an asserted conflict of interest. Abstentions shall not change the count of board members present for the purpose of determining a quorum. The majority shall be calculated on the basis of those members present and voting (not abstaining), but in no case shall be fewer than three. A quorum of the Board is defined as four members.

G. Application and Site Plan Submittal Requirements

This new section sets forth the requirements for applications and site plan submittals. The submittal requirements are proposed to include site plans, elevations, and floor plans for the proposal, as well as site plans, elevations, and/or perspectives for adjacent structures. Submittal of the required information is intended to provide the Development Review Board with sufficient information to review established criteria, make recommendations for improvements, and render decisions.

H. Development Review Board Review Procedures

This section has been revised to modify the review times to a more realistic time frame, to require public notice within 250 feet (as opposed to the current limit of 100 feet), and to clarify the approval procedures of the Development Review Board. The ability to appeal to the Zoning Board of Appeals is retained.

I. Development Plan Review Criteria

The review criteria have been rewritten to be more succinct and more relevant to the submittal documents and purpose of the MOR District. The criteria are encompassed within the following categories:

- Compatibility with Surrounding Neighborhood
- Parking and Access
- Screening and Landscaping
- Site Details
- Design Guidelines

J. Design Review Guidelines

This section is reserved for reference to the Design Guidelines that are under preparation. It should be emphasized that the design guidelines will be in pattern book form for maximum choice and flexibility and are meant to be administered as guidelines rather than directives. In the interim time period until the design guidelines are completed and adopted (expected to occur in early 2004), the Development Review Board will have the ability to consider architectural design, including materials.

Based upon input from the Historic Preservation Commission and preliminary discussions with CIVITAS, elements to be encouraged by the design guidelines are likely to include the following:

- Asymmetry (as viewed from front)
- Front porches
- Narrower façade faces the street
- Major entrance on the street side

- 1-1/2 or 2-1/2 stories for buildings, maximum height at 3 stories
- “Green space” in front-yards
- Windows facing each street frontage
- A minimum and a maximum percentage of wall face to be windows (e.g., 25% to 60%)
- Bay windows
- Windows taller than wide (establish height to width ratios)
- Gables or multi-gables
- Relatively steep roof pitch
- Relatively narrow, tall buildings
- Use of natural materials
- One central entryway for multifamily buildings/entryways inside the buildings
- Average height against surrounding buildings
- In designs without gables, dormers or other features may improve the articulation of the structure
- Front-yard setbacks should be calculated by taking the average of adjacent properties
- Underground parking or sub-grade parking if designed well
- A foundation line (rusticated bases are common)
- Tree Retention
- Residential looking doors
- Hip roofs

The following elements are anticipated to be discouraged:

- Open balconies
- Windowless and unarticulated facades
- Porches on second floor or higher
- Exterior entryways for multifamily buildings
- Street-facing patio doors
- Flat plane elevations

Other Issues

A number of other related issues and actions have been discussed during preparation of the amendment but are not included in the current proposal. These include the following:

Demolition Procedures

Discussion during the Plan Commission study session and public hearings and the Historic Preservation Commission included observations by some that it should be made more difficult and/or expensive to demolish existing structures in the MOR zone. The ability to make demolition decisions by right is a basic property right that is present in all other locations in Champaign-Urbana, with the exception of historic

landmarks and districts. Requiring review or limitations on the ability to demolish properties in the MOR zone would likely be seen as an erosion of basic property rights by the property owners in the MOR zone and could result in legal action on the basis of a taking. It should be noted that 87% of the properties in the MOR zone are not owner-occupied and are therefore investment properties of one type or another. These owners have previously undergone a possible perceived taking at the time of adoption of the MOR zone (which could be seen as a downzoning from the previously existing multiple family residential districts) pursuant to the Downtown to Campus Plan. For these reasons, staff does not recommend any revisions to our current demolition process as it pertains to the MOR District. At the October 23, 2003 meeting, one Plan Commissioner suggested that demolition permits be dramatically increased in price, but this suggestion did not receive support from other Plan Commissioners.

Encourage Adaptive Reuse

A more productive approach is to devise development regulations and incentives that help to encourage adaptive reuse as opposed to new construction. The encouragement of adaptive reuse is a basic premise of the MOR district and the current ordinance offers regulatory incentives to help encourage adaptive reuse as opposed to new construction. For example, the Zoning Administrator would be able to administratively approve adaptive reuse projects in the MOR as long as relevant development standards, review criteria, and design guidelines are met. The Zoning Administrator would also be able to make minor variances to the requirements of the Zoning Ordinance in the case of adaptive reuse. By improving and streamlining the procedures pertaining to the District it is hoped that adaptive reuse can be more successfully encouraged.

In addition, as a separate initiative, financial incentive programs could be considered by the City to encourage the re-use of existing structures in this and/or other areas of the City. Historic properties that are listed as National or local landmarks are already available for federal and state tax credits. Some Plan Commissioners encouraged the City to better market the MOR District as a district in which commercial adaptive reuse is welcome. This can be achieved by expanding commercial marketing materials to include the MOR District and by including available properties on our commercial property available sites register (www.city.urbana.il.us/availablesites)

Revisions to the Table of Uses

City staff reviewed the Table of Uses in the Zoning Ordinance with respect to identifying any revisions that would help to encourage adaptive reuse of existing structures in the MOR zone and to identify any uses that might be unacceptably impacting upon adjacent residential uses. It was determined that all appropriate commercial uses are already allowable within the MOR district and that with appropriate Development Review Board review and conditions, the allowable commercial uses would be compatible with adjacent residential uses. Therefore, no amendments were proposed.

In an earlier draft of the text amendments, staff had suggested that the Development Review be enabled to review and approve conditional uses, special uses, and variances to assist in streamlining the process.

However, Plan Commissioners were concerned with the special distinction that Development Review Board review or approval of conditional uses, special uses, and major variances would signal for the area. It should be noted that there are only four uses in the Table of Uses that are allowed only with a conditional use permit (lodge or private club, residential athletic training facility, restaurant, and bakery of less than 2,500 square feet) and only three uses that are allowed only with a special use (principal use parking garage or lot, home for adjustment, and meat and fish market). In order to provide some streamlining of these multiple approvals, the Table of Uses could be amended to allow some or all of these uses by right. This would avoid the need to undergo multiple public meetings and review processes for these specific uses.

Adjustments to Development Regulations

A number of architects, developers, and property owners have argued that the development regulations in the MOR district are overly restrictive and that they have a detrimental effect upon the ability to design buildings that are cost-effective, attractive, and suitable for modern uses. The specific regulations that have been challenged include the floor area ratio which is set at 0.70 and the limitation of the floor area ratio to a maximum lot area of 8,500 square feet. A review of the initial MOR regulations reveals that staff at that time initially proposed holding the allowable density to that allowed in the R-5 district, which has an FAR of 0.90, and at the same time to limit the effects of lot consolidation by setting the maximum lot area to which the FAR may be applied to the approximate equivalent of a lot and a half. By dropping the FAR to 0.70, and also holding the applicable lot area to 8,500 square feet, the adopted regulations are substantially stricter than had been empirically justified by staff at the time. Adjustments proposed by architects who have attempted to design buildings in the MOR District are to modestly increase the FAR to 0.75 and/or to allow the lot area to which the FAR applies to be increased to 12,000 square feet or the equivalent of two lots. This would still keep the density midway between the R-4 and R-5 levels, but would allow for improved architectural flexibility in design.

The current MOR regulations effectively limit the size of a building to 5,950 square feet, as illustrated in the attached Powerpoint presentation. If the FAR were increased to 0.75, it would increase the allowable floor area to 6,375 square feet. If the allowable area were increased to 12,000 square feet and the FAR held at 0.70, it would allow a building of up to 8,400 square feet to be located on the larger lot area. If both adjustments were made, the allowable building size would increase to 9,000 square feet, a 50% increase over the existing limitations. One possibility would be to allow an increase in square footage up to a certain higher limit only with a special use permit and approval by City Council.

In more recent discussions, a number of individuals have suggested that the density regulations in the MOR District need to be dramatically increased due to the area's importance as a connection between downtown and the University, its potential as a mass transit link along a possible tram line, and as a means of encouraging more intense development in the City and less sprawl outside of the City.

Testimony by property owner/developer Barry Weiner at the October 23, 2003 hearing suggested that the lot assembly restrictions in the MOR effectively prohibit both adaptive reuse for commercial uses and well-

designed new residential development. He has done preliminary assessments for both approaches and has not been able to derive a doable project. Mr. Weiner recommends that lot assemblies up to 30,000 square feet are necessary to undertake economical townhouse development in the MOR.

Some Plan Commissioners also expressed an interest in allowing for increased assembly of lots to allow for denser rowhouse-style development, as long as design guidelines are met. It was suggested that once the design guidelines are in place, it may then be possible to revisit the potential for denser developments in some circumstances.

Other individuals have argued that the densities in the MOR District should be reduced to single-family densities in order to reduce impacts on the adjacent residential neighborhood, to reduce the number of vehicles in the area associated with multiple-family residences, and to keep the “green” in Green Street. Staff does not recommend that the allowable densities be reduced in the MOR District due to the series of trade-offs in zoning rights that occurred at the time of the Downtown to Campus Plan. A further reduction in these zoning rights could likely be seen as a “taking” and result in legal action against the City. At the October 23, 2003 meeting, one Plan Commissioner did suggest a reduction in the FAR in the MOR District from 0.70 to 0.50, but this suggestion was not supported by the other Commissioners.

One novel approach to addressing the differing views on density would be to implement a transfer of development rights approach within the District to allow for trading of density rights to appropriate locations.

Because there are such differing views on the appropriate density to apply in this area, no specific adjustments are recommended by staff at this time.

Related Actions

During preparation of the proposed amendments, the need for a number of related actions has arisen. These will require follow-on actions separate from the current proposal.

Potential Sites for Rezoning

The parcel-by-parcel review of the district showed some sites along the eastern edge of the Green/Elm corridors and in the Race Street area that might be more suited to a downtown zoning designation. Rezoning of these properties would help to provide additional properties that can be developed consistent with the goals of the Downtown Strategic Plan.

Adjustment to Permit Parking Area

Pursuant to review of the three recent development proposals along the south side of Green Street, it was discovered that on-street impacts of these new multiple-family projects on the adjacent single-family neighborhood (High Street and Illinois Streets, in particular) could be exacerbated by the ability of the apartment residents to obtain on-street parking permits. By modifying the district boundaries so that it does not include the south side of Green Street, this consequence of development can be avoided. This action will take a legislative adjustment to the on-street parking program.

Adjustment to Definition of Bedroom

In reviewing the floor plans for one of the recent proposals along Green Street, it became apparent that the current Zoning Ordinance may allow for studios or loft spaces (as designated on floor plans) that may easily be used as bedrooms, but which may not be counted with respect to parking requirements. The City of Champaign Zoning Ordinance addresses this by requiring parking for such areas. A similar adjustment should be made to the Urbana Zoning Ordinance. Because it would pertain to multiple-family residences in any of the zoning districts and not be limited to the MOR, this potential amendment is not encompassed in the current plan case. This amendment can be incorporated into an upcoming omnibus text amendment to the Zoning Ordinance.

Historic Preservation Review of Proposals Around Historic Properties

Section VII.3.F.11 of the Zoning Ordinance requires Historic Preservation Commission comment on zoning changes, special uses, conditional uses, MOR review, and variances that are “located contiguous to or separated only by public right-of-way from designated landmarks and historic districts”. The Commission did provide comment on the proposal at 611 Green Street since it is located immediately across Green Street from the Ricker House. However, because the proposals at 605 and 701 Green Street are located “catty corner” from the Ricker House, they were not submitted for comment by the Historic Preservation Commission. Members of the Plan Commission and the Historic Preservation Commission disagreed with the review decision as to contiguity. Interpretation of this provision to provide for a more inclusive definition of “contiguity” can be done administratively by the Zoning Administrator. Clarification can then be provided as a part of a future omnibus amendment for Zoning Ordinance corrections and clarifications.

Parking for Multi-Family Residences

Also discussed at the Plan Commission meeting was the possible need to re-examine off-street parking requirements for multi-family uses. Currently, the City requires no less than one parking space for each one-bedroom unit, but only 0.50 spaces per bedroom for apartments with two and more bedrooms. As bedroom sizes increase, additional parking is required. In recent years, car ownership in general, and by students in particular has risen. In some instances, this has resulted in an overflow of parking onto adjacent streets and neighborhoods. Staff has conducted extensive background research into the pros and cons of adjusting the multiple-family parking requirements and has presented these to the City Council. Positive reasons for increasing requirements include the provision of parking that is closer to actual documented

demand and reduction of impact on surrounding streets and properties. Negatives include an effective downzoning of properties that are currently zoned multi-family (if compensatory changes in development regulations are not made), a loss of incentive to keep car ownership/use down to encourage transit use and other modes of travel, and an increase in paved areas for parking. These are issues that transcend the MOR district and should be dealt with in a more comprehensive fashion. At the October 23, 2003 meeting, one Plan Commissioner suggested that off-street parking requirements for multi-family residential uses in the MOR District be increased, but this suggestion was not supported by the other Plan Commissioners.

The proposed amendment allows the potential for constructing off-street parking that is partially subgrade, removed from the street, and visually screened. This approach would help to reduce backyard surface parking and would allow additional design flexibility. Some residents suggested that all parking in the MOR district should be required to be completely underground. Fully underground parking (as opposed to partially subgrade or surface parking) is economically infeasible in low-rise, low-density developments. Requiring underground parking without allowing for compensatory increases in density could result in a complete halt to any development or adaptive reuse in the MOR district. Such an action would likely be viewed as a “taking” and could prompt legal action against the City.

Other Issues

In addition to the proposed text amendment and related issues summarized above, Plan Commission members held discussion (but did not find agreement), about a number of other issues at the October 23, 2003 meeting. These included the following items:

- Marketing the MOR zone as an area for commercial adaptive reuse.
- Enhancing the appearance of Green Street through additional plantings.
- Improving pedestrian and bicycle safety along Green Street through traffic calming and other improvements.
- Increased City Council or other commission involvement in MOR decisions.

Summary of Findings

1. The proposed amendment would assist in the administration and enforcement of the Zoning Ordinance.
2. The proposed amendment is consistent with goals and objectives of the Comprehensive Plan and Downtown to Campus Plan by encouraging the adaptive reuse of structures in the MOR zone and by requiring new development to be compatible with the district as a whole.
3. The proposed amendment will allow for more citizen and stakeholder participation in the

Development Review Board process.

4. The proposed amendment will help to encourage appropriate and compatible design in the MOR zone through the use of design guidelines and appropriate review criteria.
5. The proposed amendment will improve the review procedures of the Development Review Board.
6. The proposed amendment will help to streamline review of adaptive reuse projects by allowing for administrative approval.

Options

In Plan Case 1865-T-03, the City Council may:

- a. approve the proposed text amendment to the Zoning Ordinance, as presented in attached Ordinance and described herein.
- b. approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes.
- c. deny the proposed text amendment to the Zoning Ordinance.

Recommendation

The Plan Commission voted 5 to 1 to recommend **APPROVAL** of the proposed text amendment as presented herein based on the findings summarized above. Staff concurs with this recommendation.

Attachments: Draft Ordinance with Proposed MOR Text Amendments
 Map of Existing MOR District
 Background Slide Presentation
 Existing MOR Regulations
 Historic Preservation Commission Design Guideline Ideas
 Excerpt of approved minutes from September 18, 2003 Plan Commission Meeting
 (Study Session)
 Excerpt of approved minutes from October 9, 2003 Plan Commission Meeting
 Draft Minutes of October 23, 2003 Plan Commission Meeting

ORDINANCE NO. 2003-11-120

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(Revisions to various sections of the Urbana Zoning Ordinance as they pertain to the requirements of the M.O.R., Mixed-Office Residential Zoning District and the procedures of the Development Review Board. - Plan Case No. 1865-T-03)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Article IV of the Urbana Zoning Ordinance, District and Boundaries Thereof, establishes the M.O.R., Mixed-Office Residential Zoning District, and other relevant Sections of the Urbana Zoning Ordinance regulate the development standards and procedures within the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, recent development proposals in the M.O.R., Mixed-Office Residential Zoning District called into question their compliance with the stated intent of the district; and

WHEREAS, on July 21, 2003 the Urbana City Council adopted a text amendment to the Urbana Zoning Ordinance under Ordinance No. 2003-07-073 creating an Interim Development Ordinance and establishing a 120-day moratorium on development in the district so city staff could study the district and propose changes to the requirements of the district and the procedures of the Development Review Board; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance to amend various sections of the Urbana Zoning Ordinance as they pertain to the requirements of the M.O.R., Mixed-Office Residential Zoning District and the procedures of the Development Review Board; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1865-T-03; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission opened a public hearing to consider the proposed amendment on October 9, 2003 and continued the public hearing to the October 23, 2003 meeting; and

WHEREAS, the Urbana Plan Commission voted 5 ayes to 1 nay on October 23, 2003 to forward the proposed amendments set forth in Plan Case No. 1865-T-03 to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Section IV-2.I, Purpose of Districts, in the MOR District, of the Zoning Ordinance is hereby amended to read as follows:

The *MOR, Mixed-Office Residential District* is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the useful life of such structures. New construction shall be designed and constructed in a manner that is consistent with the character of the district. The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected.

Section 2. Section V-8, Additional Use Regulations in the MOR District, of the Zoning Ordinance is hereby amended to read as follows:

- A. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.
- B. As an incentive to encourage the adaptive re-use of existing principle structures in the MOR District, any proposal for a change of use, a building addition, and/or exterior remodeling of an existing structure(s) shall not require review by the Development Review Board. Adaptive re-use proposals shall comply with the requirements of the Urbana Zoning Ordinance although the Zoning Administrator may authorize adjustments to existing codes and regulations as specified in Section V-8.D. Adaptive re-use proposals shall demonstrate consistency with the established MOR design guidelines specified in Section XI-12.J.
- C. New construction not incorporating the adaptive re-use of an existing structure in the MOR District must receive site plan approval from the Development Review Board in accordance with the provisions of the Board as specified in Section XI-12.

Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects

- 1. As an incentive to encourage the adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District, the Zoning Administrator may authorize adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code. The Zoning Administrator may authorize adjustments only when changes are proposed to the use of existing structures and/or when additions or

exterior remodeling of existing principle structures is proposed. The purpose of this provision is to provide an incentive to re-use the existing structures in the District, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District. This incentive shall not apply to new construction that does not incorporate the adaptive re-use of an existing structure. The Zoning Administrator is hereby authorized to make minimum adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District for adaptive re-use projects:

- a. Section VIII-2, Design and Specifications of Off-Street Parking;
- b. Section VIII-3, Location of Parking Facilities;
- c. Section VIII-4, Amount of Parking Required; except that no reduction in excess of 25% of the full parking requirements may be approved by the Zoning Administrator and no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
- d. Section VIII-5, Off-Street Loading Regulations;
- e. Article VI, Development Regulations; except that the Zoning Administrator is authorized to approve only the site plan adjustments listed in Section XI-3-C(2)(c) (i.e., for minor variations) and no others; and
- f. Chapter 7 of the City Code, Fences.

Commentary: The intent of Section V-8.F is to allow some flexibility in existing codes and requirements for adaptive re-use projects. In some instances, the strict application of the development regulations can make an adaptive re-use project infeasible due to uncontrollable circumstances such as existing building placement on the lot, lot size, shape or location. The goal of this provision is to permit the Zoning Administrator to allow slight modifications when necessary to achieve the overall goal of adaptive re-use of existing structures.

Section 3. Section VIII-3.J, Location of Parking Facilities, is hereby amended to read as follows:

J. Parking located below a principal structure shall be allowed in the MOR District in accordance with the provisions of Article VIII of this Ordinance and the provisions of the MOR Design Guidelines as provided for in Section XI-12-J.

Section 4. Section XI-12, Development Review Board is hereby amended to read as follows:

A. *Creation and Purpose*

1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the site plan review procedures in the MOR, Mixed-Office Residential Zoning District in conformance with the requirements of this Section.
2. The Development Review Board is created for the purpose of reviewing and approving or disapproving all site plans for new structures and land uses in the MOR District that do not incorporate the adaptive re-use of an existing structure as specified in Section V-8.B.
3. The Development Review Board has the following objectives for reviewing site plan proposals in the MOR, Mixed-Office Residential Zoning District:
 - a. Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area;
 - b. Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines;
 - c. Determine if proposed development plans meet the intent of the district as stated in Article IV.2.I;

B. *Powers and Duties.* The Development Review Board shall have the following powers:

1. The Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois.
2. To hold public hearings and to review applications for development within the MOR, Mixed-Office Residential Zoning District as specified in XI-12.A.2. The Development Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in XI-12.G.

3. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

C. *Membership*

1. The Development Review Board shall consist of seven members. A quorum of the Development Review Board shall be constituted by four members. The members of the Board shall be appointed by the Mayor and approved by City Council. The membership to the Board shall consist of multiple interests in order to offer a diverse perspective and expertise in reviewing proposals. These interests shall include:
 - a. A member of the Urbana Plan Commission;
 - b. A member of the Urbana Historic Preservation Commission;
 - c. A licensed architect;
 - d. An owner of property in the MOR, Mixed-Office Residential Zoning District;
 - e. A citizen residing inside or within 250 feet of the MOR, Mixed-Office Residential Zoning; District;
 - f. A local developer;
 - g. An owner of a local business.
2. Development Review Board members shall serve without compensation and shall serve terms of three years. Members may be reappointed at the conclusion of their term.

3. The Mayor shall declare vacant the seat of any Development Review Board member who fails to attend three (3) consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. *Officers.*

1. There shall be a Chair and a Vice-Chair elected by the Development Review Board, who shall each serve a term of one (1) year and shall be eligible for re-election. Elections shall be held annually.
2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
3. Secretary. The Secretary of the Development Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:
 - a. Take minutes of each Development Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;
 - b. Provide administrative and technical assistance to the Development Review Board to assist it in making the decisions and findings as provided herein;
 - c. Publish and distribute to the Development Review Board copies of the minutes, reports and decisions of the Development Review Board;
 - d. Give notice as provided herein or by law for all public hearings conducted by the Development Review Board;
 - e. Advise the Mayor of vacancies on the Development Review Board and expiring terms of Development Review Board members;
 - f. Prepare and submit to the Urbana Zoning Board of Appeals and City Council a complete record of the proceedings before the Development Review Board on all appeals from decisions of the Development Review Board and on any other matters requiring Zoning Board of Appeals or City Council consideration; and
 - g. Have no vote.

E. *Meetings.*

1. Meetings shall be held at regularly scheduled times in the evening to be established by resolution of the Development Review Board at the beginning of each calendar year. Meetings may also be held at any time upon the call of the Chair.

2. All meetings shall conform to the requirements of the Open Meetings Act. All meetings of the Development Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the Development Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. *Decisions.*

1. Every Board member present must vote "aye" or "nay" unless that Board member abstains due to an announced conflict of interest.
2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.
3. The majority shall be calculated on the basis of those voting members present and not abstaining, however, in no instance shall fewer than three "aye" votes constitute a majority.

G. *Application and Site Plan Submittal Requirements*

1. A request for site plan approval by the Development Review Board shall be made by the applicant in writing on forms provided by the City, shall be accompanied by the required plans, and shall be filed with the Secretary of the Board. Each request shall be submitted with the required fee as provided in Section XI-8.
2. Site Plans must contain the following information:
 - a. Size and dimensions of the parcel to be developed drawn to scale;
 - b. Location and widths of adjacent rights-of-ways, sidewalks and street pavement;
 - c. Identification of neighboring property owners listed on the site plan;
 - d. Location of all existing structures on the parcel;
 - e. Location of adjacent parcels and structures;
 - f. Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;
 - g. Location and layout of any proposed access drives, parking area and walkways;
 - h. Elevation renderings of the proposed structure or addition indicating the proposed materials to be used in construction;
 - i. Elevations or perspectives of adjacent existing structures;
 - j. Floor plans indicating the interior layout of the proposed structure or addition;
 - k. Location of existing trees and shrubs and proposed landscaping;
 - l. Detail view drawings as necessary to show key design elements;
 - m. Relevant site details including lighting, dumpster locations, signage, and other features;
 - n. Site data, including lot area, building square footage, floor area ratio, open space ratio, height, number of parking spaces and number of apartment units (if multi-family).
3. Site Plans shall be submitted at a graphic scale of no less than one inch per ten feet.

4. The Development Review Board may require additional information necessary to consider applications.

H. Development Review Board Review Procedures

1. Within 45 working days but no earlier than 15 working days after a completed application, site plan, fee, and supporting documentation have been received, the Development Review Board shall convene a meeting to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than ten days prior to said meeting.
2. After reviewing the proposed site plan according to the criteria in Section XI-12-I, the Development Review Board shall vote on whether to approve the proposed site plan. If the proposed site plan conforms to the requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the requirements of this Ordinance, the Development Review Board shall disapprove the proposed site plan and make findings stating the inadequacies of the proposal. The applicant shall be notified in writing of the Board's decision within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board. Any site plan that is not approved by the Board shall cause the Secretary of the Board to appeal the request to the Board of Zoning Appeals in accord with Section XI-3.
3. Site plan approval is required prior to the issuance of a related building permit or Certificate of Occupancy in the MOR District.
4. When a proposed use is permitted in the MOR District as a Conditional or Special Use according to Table V-1, site plan approval by the Development Review Board is required in addition to the review procedures for conditional or special use permit requests as specified in Section VII-1. The Development Review Board shall make a recommendation to the appropriate reviewing body. The physical development and continued use of the property shall be in strict conformance with the approved site plan.
5. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Board of Zoning Appeals in accordance with the procedures of Section XI-3-C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Board of Zoning Appeals shall have the final authority to approve or disapprove a proposed site plan.
6. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.
7. The procedure for amending a site plan already approved by the Development Review Board or for a request to change conditions attached

to the approval of a site plan shall be the same procedure as a new site plan request.

8. Approval of a site plan pursuant to Section XI-12 shall become null and void unless an application is made for a building permit or Certificate of Occupancy within one year after the date on which the Board approves the site plan. A one-year extension may be granted by the Zoning Administrator when a written request is submitted prior to the expiration of the one-year term.
9. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

I. Site Plan Review Criteria.

Site plans for new construction not incorporating the adaptive re-use of existing structures must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance. In addition, site plans (including, elevations, and floor plans) shall be reviewed and considered by the Development Review Board according to the criteria listed below.

1. Compatibility with Surrounding Neighborhood

Proposals shall demonstrate consistency with the intent of the MOR, Mixed-Office Residential Zoning District as stated in Section IV-2-I. In reviewing proposals the Development Review Board shall consider the effects of the proposed structure(s) and uses on adjacent properties and the surrounding neighborhood. The Board shall consider building location, orientation, setbacks, scale, bulk, massing, and architectural design.

2. Parking and Access

Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Subdivision Ordinance and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic conflicts, noise and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of handicapped persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.

3. Screening and Landscaping

Proposals shall demonstrate the preservation of existing natural features where practical. The Development Review Board shall consider the effects that the proposal may have on the vegetative characteristics of the area and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and screening requirements identified in the Urbana Zoning Ordinance. The Development Review Board shall consider landscape and screening plans and their ability to effectively screen adjacent properties from possible negative influences that may be created by the proposed use. Retention of

street trees along the Green and Elm Street corridors shall be encouraged.

4. Site Details

Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The Development Review Board shall determine if the site details are in conformance with the requirements of the Urbana Zoning Ordinance and if they are proposed in a manner that will not negatively impact adjacent properties and the character of the neighborhood.

5. Design Guidelines

The Development Review Board shall consider the architectural appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in XI-12.J.

J. Design Guidelines Review

RESERVED

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this ____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

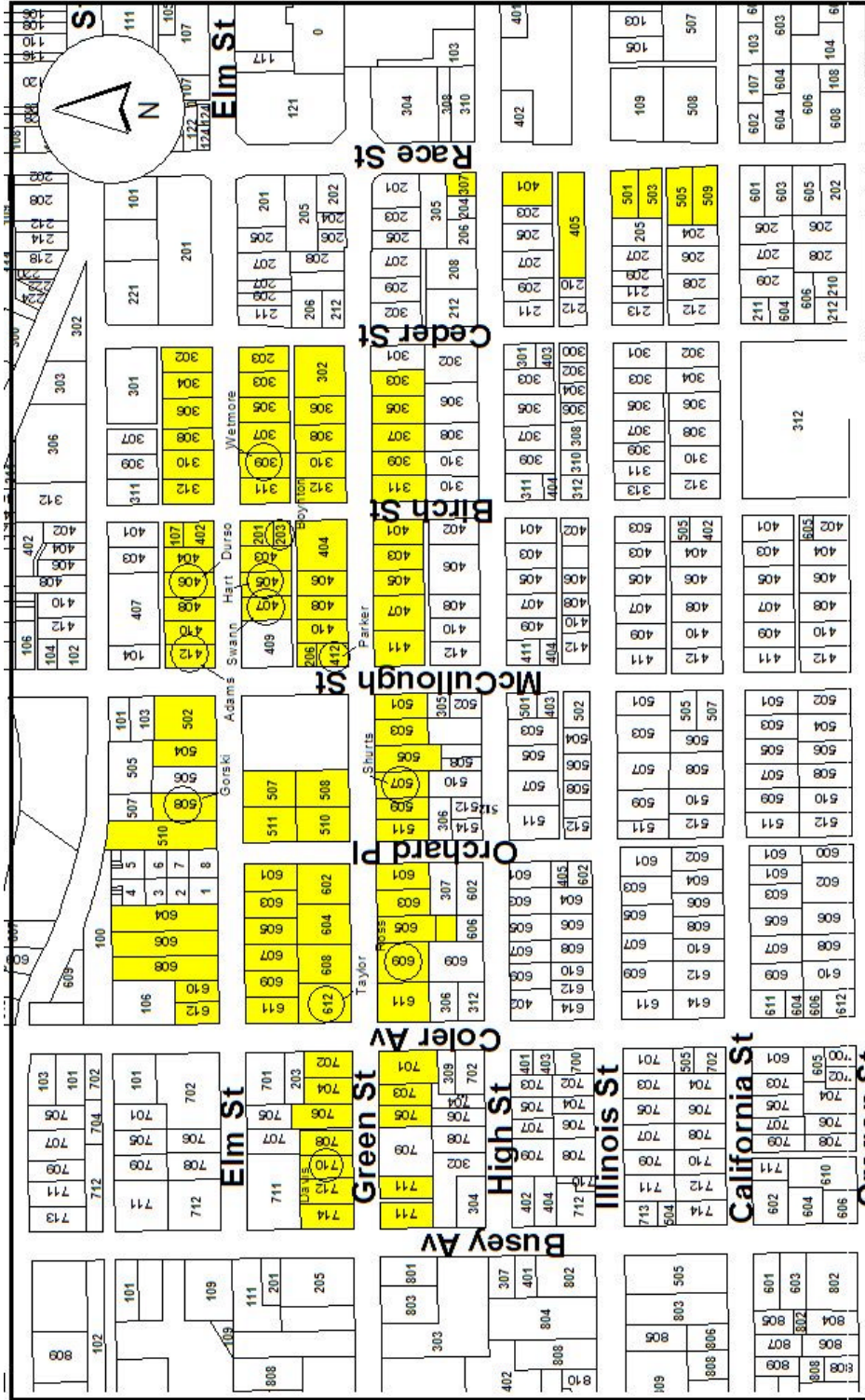
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2003, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revisions to various sections of the Urbana Zoning Ordinance as they pertain the requirements of the M.O.R., Mixed-Office Residential Zoning District and the procedures of the Development Review Board. - Plan Case No. 1865-T-03)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2003, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2003.

(SEAL)

Phyllis D. Clark, City Clerk



Properties in the
M.O.R., Mixed-Office Residential
 Zoning District

- Properties Zoned MOR
- Owner Occupied

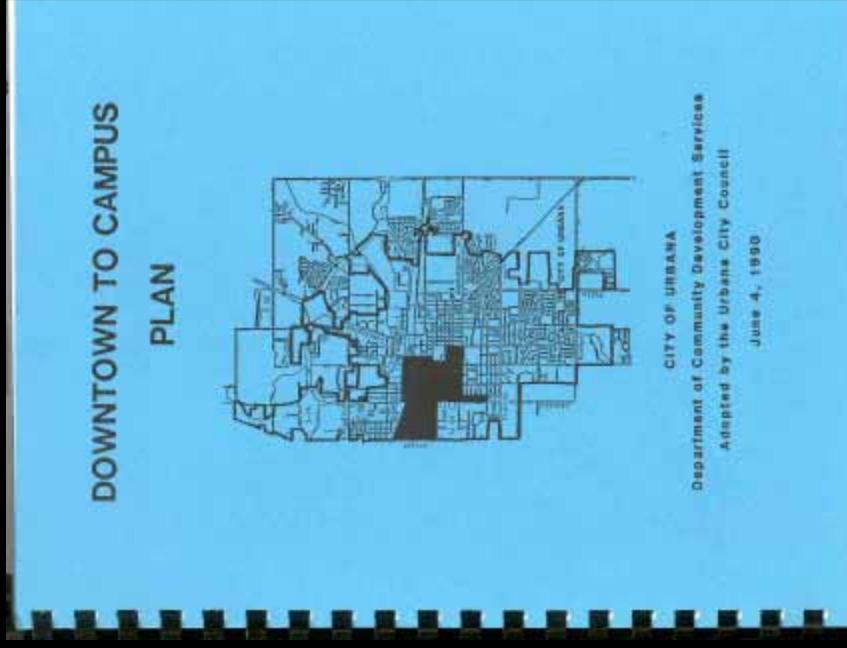
The background of the slide is a photograph of a street sign. The sign is rectangular and white with black lettering. It reads "W GREEN ST". The sign is mounted on a metal post. The background is slightly blurred, showing a clear blue sky and a portion of a building's roofline.

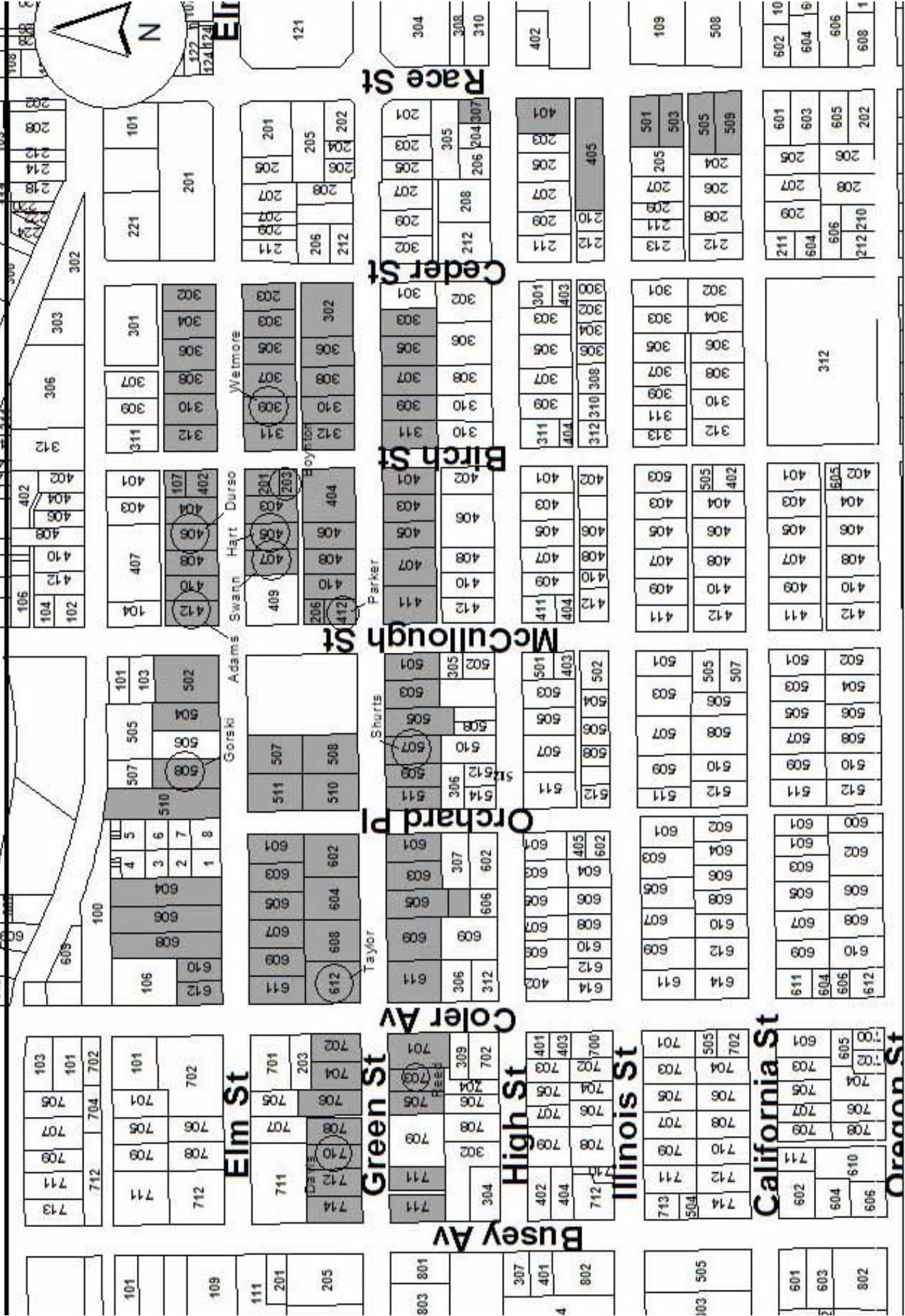
Overview of the M.O.R.

**Mixed-Office Residential
Zoning District**

M.O.R. Zoning District

- 1991 Downtown to Campus Plan
- Transition Zone allowing multi-family and commercial uses
- Intended to foster adaptive reuse of old structures into small scale businesses, offices and residential units.
- Review of projects by Development Review Board





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Mixed-Office Residential

Intent Statement: *Zoning Ord. IV.2.H*

“Provide for a limited variety of business, office, and residential land uses in proximity to low density residential dwellings in order to promote the economic viability and preservation of older residential structures while protecting the aesthetic and residential character of the area. The development regulations and permitted uses make this district suitable for properties which may no longer be viable as strictly residential uses but are located in a residential setting.”

Mixed-Office Residential

Intent Statement cont.: *Zoning Ord. IV.2.H*

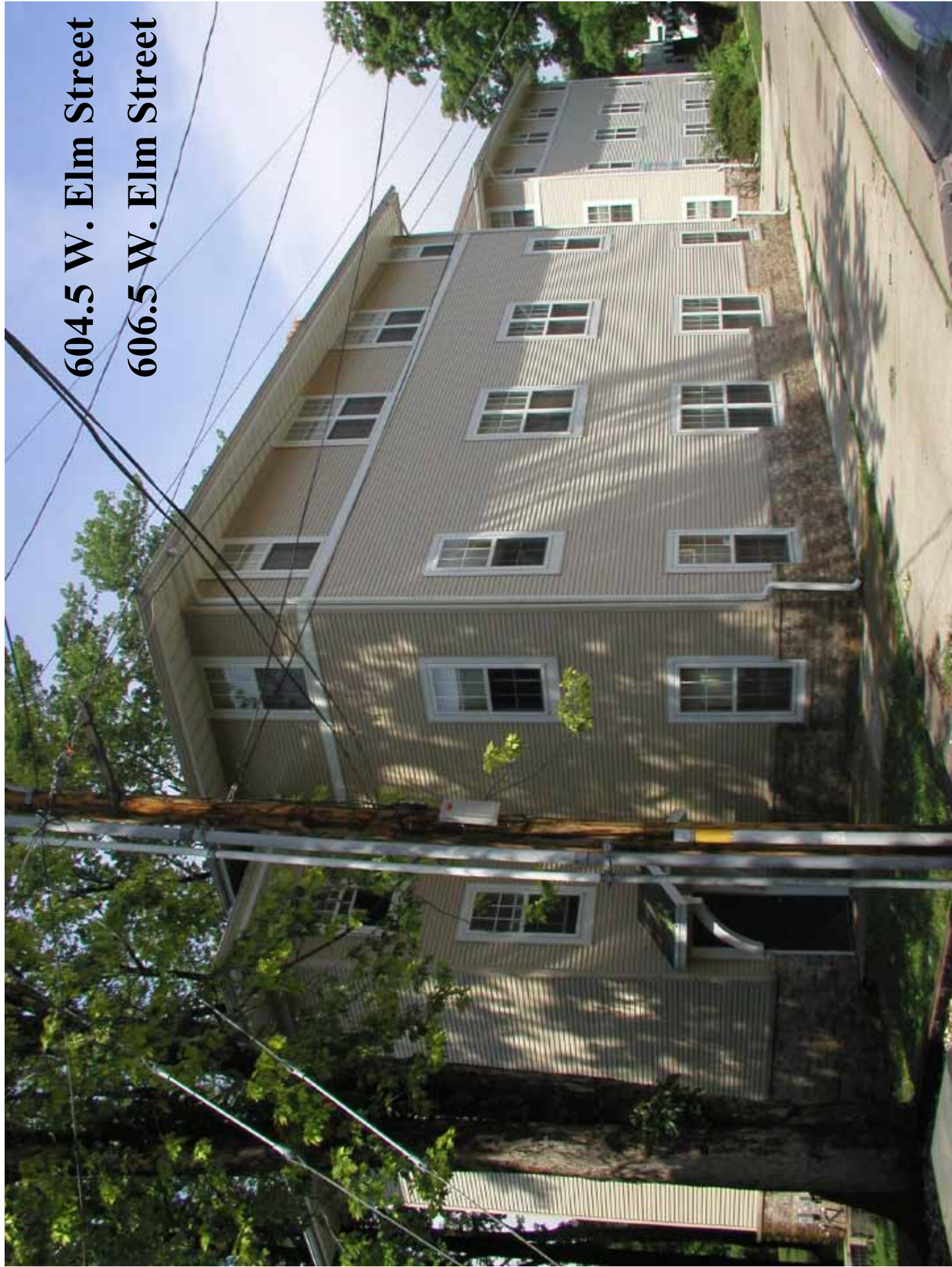
“This district is intended to encourage the adaptive re-use of these while also allowing compatible new development. The MOR is also intended to promote the conservation of buildings and neighborhoods, which in combination or individually, are of unique community and neighborhood significance.”

Activity in the M.O.R.

1991 - 2002

- 3 New multi-family developments
- 6 Major Remodels
- 4 Demolitions

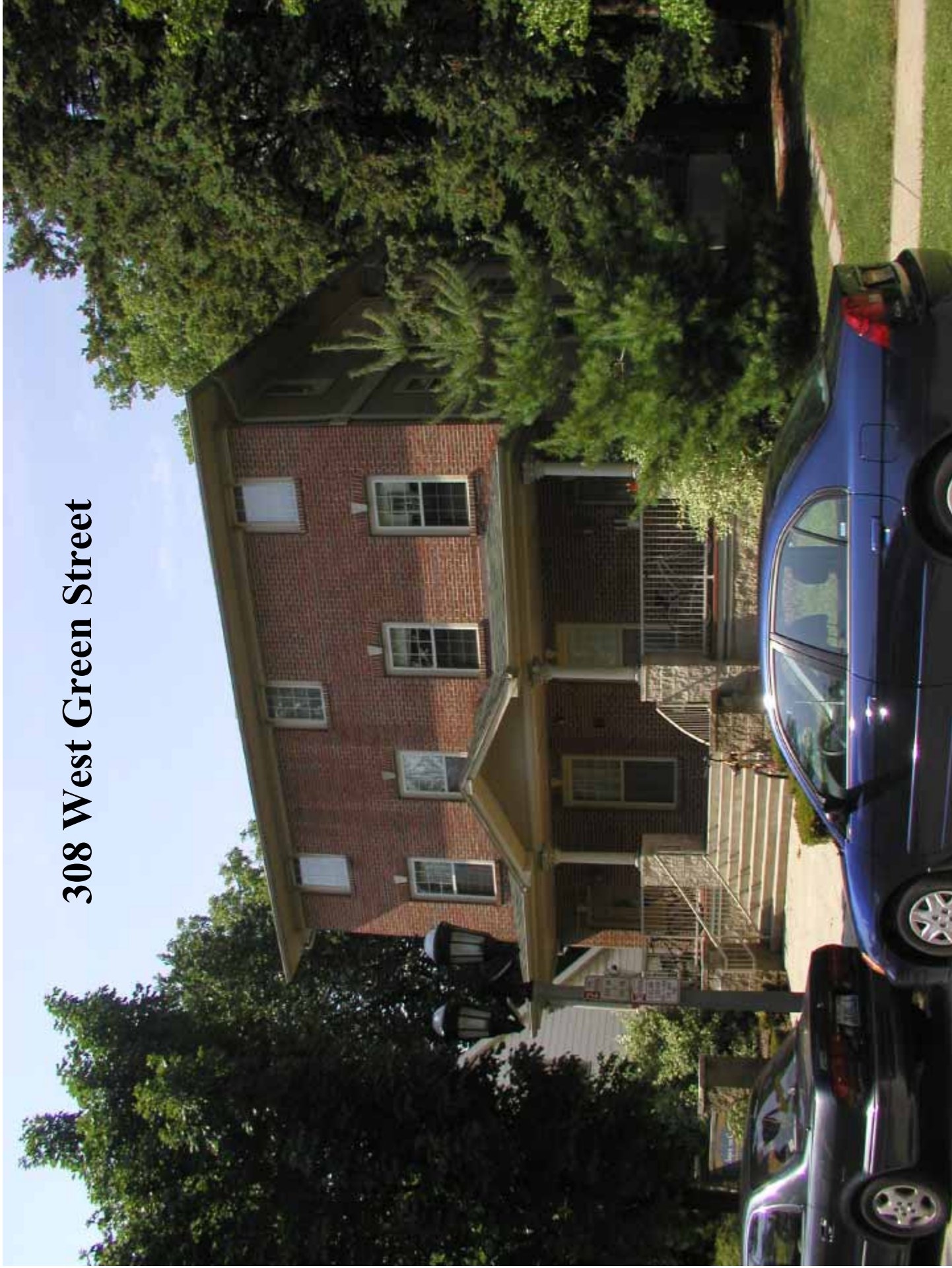
604.5 W. Elm Street
606.5 W. Elm Street



712 West Green Street



308 West Green Street





404 West Green Street

Timothy John's Salon

**511 West Green Street
Christian Counseling Center**

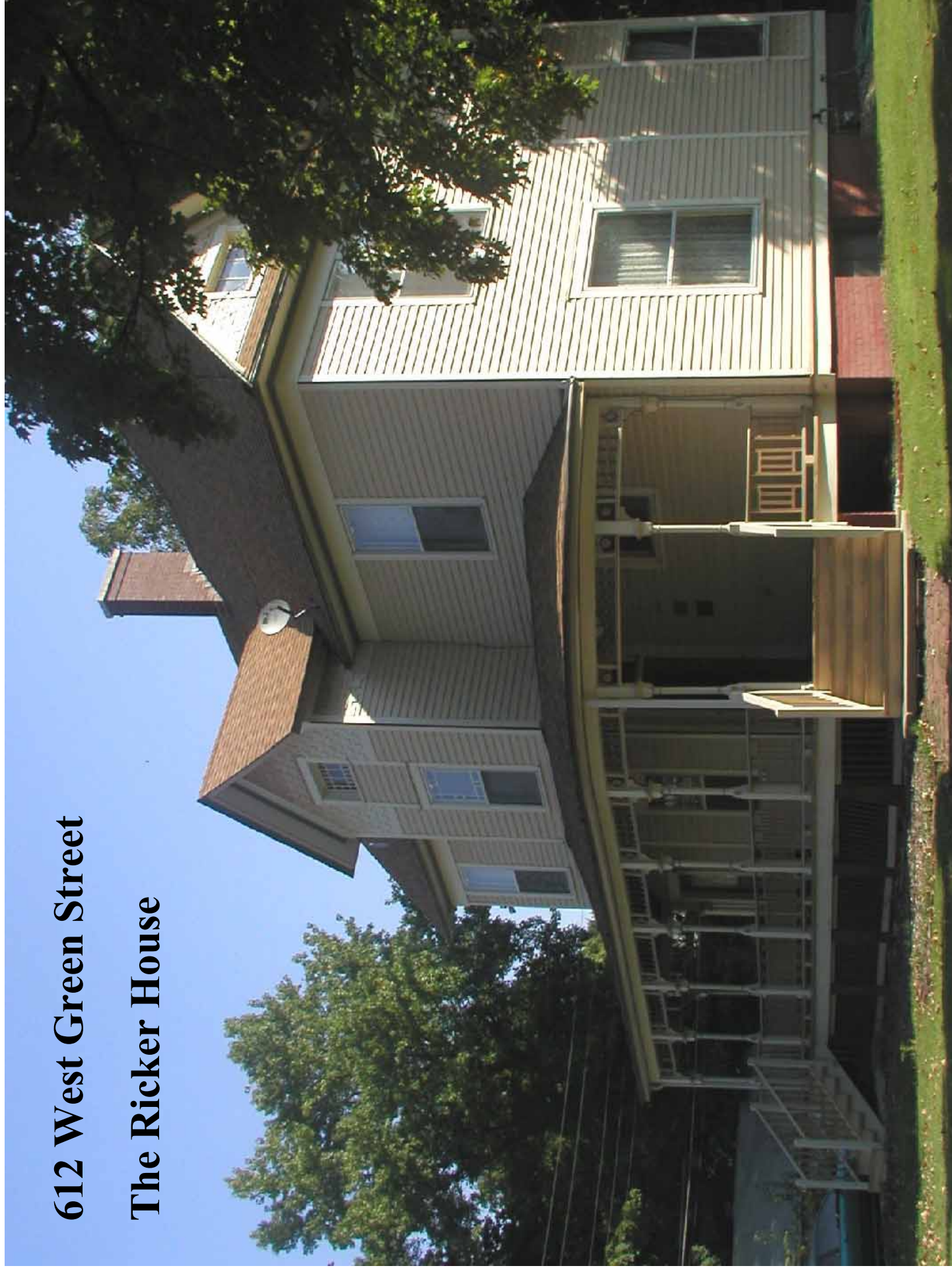




312 West Green Street

Lindley House B&B

612 West Green Street
The Ricker House





1st Presbyterian Church Parking Lot

Funeral Home Demolition



**Other Developments
on the Corridors
*Not in M.O.R. District***



Recent Proposals - 2003

611 W. Green Street



605 W. Green Street

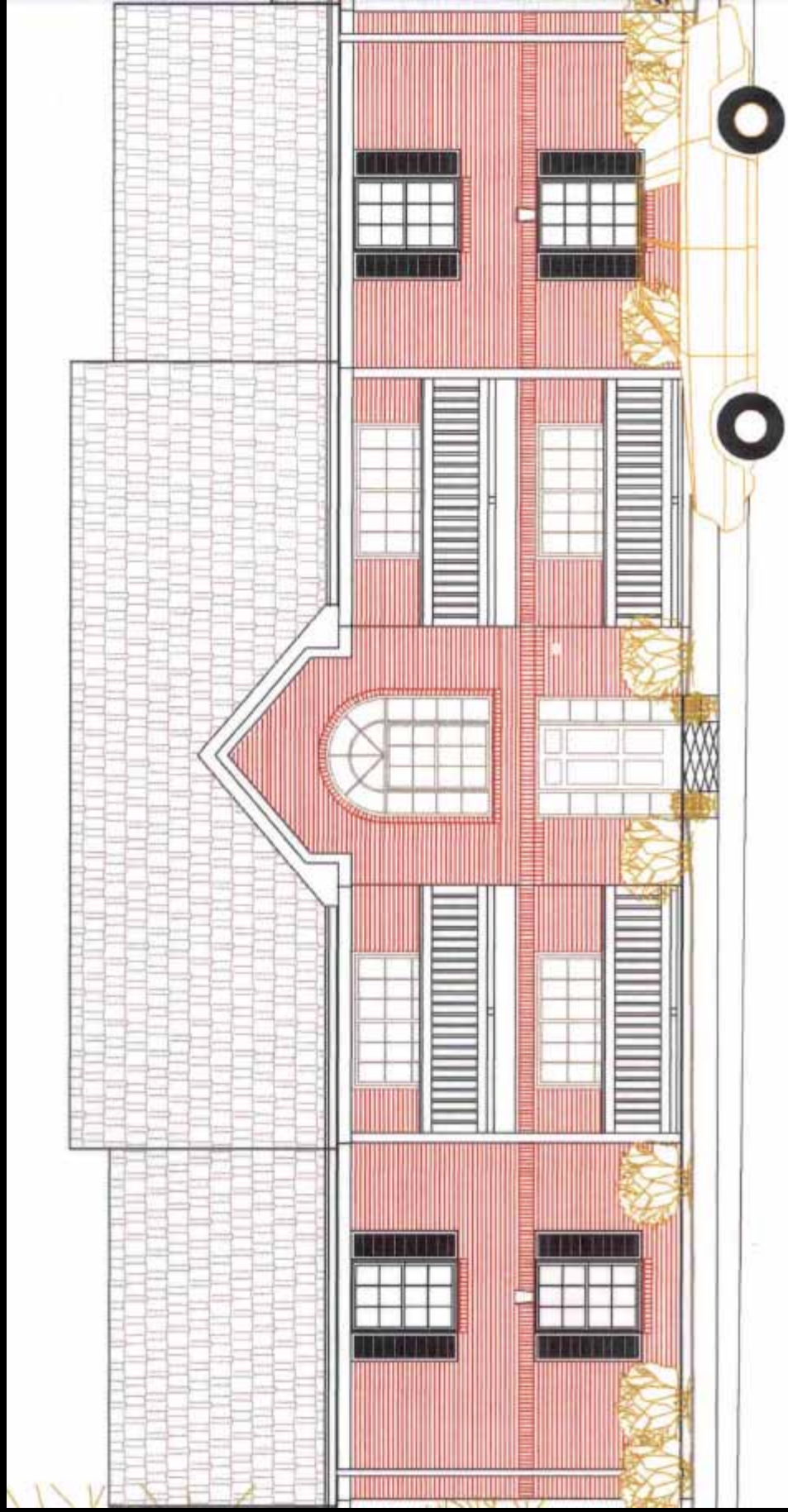


701 West



Green Street

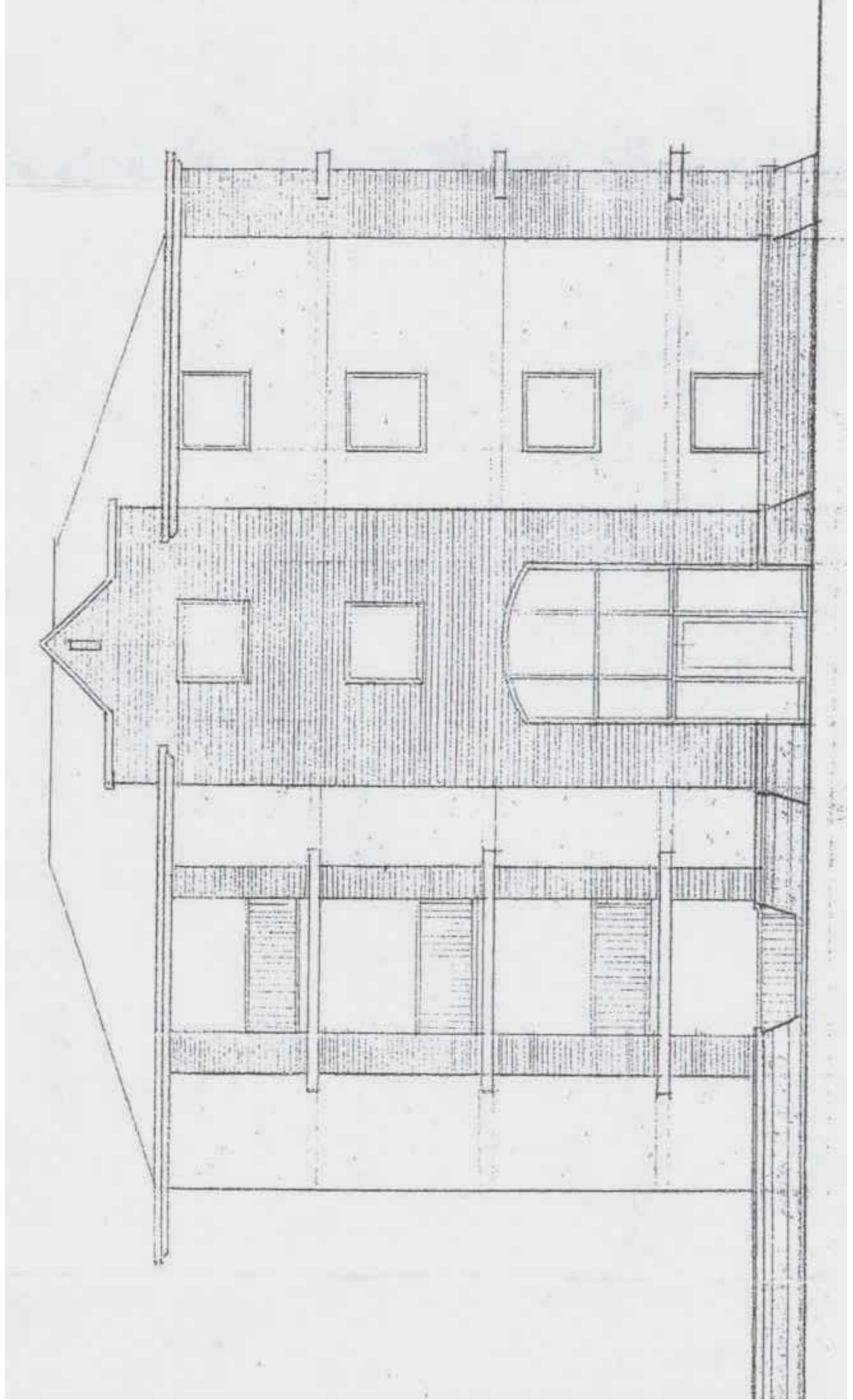
611 West Green Street



605 West Green Street



701 West Green Street



MORatorium

Petition to City Council / Two Requests:

- 1. Citizen Representation on DRB**
- 2. Ability for DRB to review Design and Architectural Features**

Four-month moratorium enacted.

July 21, 2003 – November 21, 2003

Goals of MORatorium

1. Change the DRB Process

Change make-up of Board – Citizen, Architect

Alter voting structure and requirements

Allow consideration of architectural features

Rewrite Review Criteria

2. Incorporate Design Guidelines

Compatibility with neighborhood

Make design intentions clear to developers and residents

Strengthen the long term viability of development

Changes to the DRB

Purpose as Currently Stated:

“Review and Approve of Disapprove all site plans for changes to uses in existing structures, for additions for exterior remodeling or existing structures, and for construction of new structures and parking areas in the MOR District.” Zoning Ord. XI-12.B

Development Review Board

Existing Composition

- 1. Zoning Administrator or Representative**
- 2. City Planner or Representative**
- 3. City Engineer or Representative**
- 4. City Arborist or Representative**
- 5. Building Safety Division Manager or Representative**

Review Criteria

Zoning Ord. XI-12.D

1. Will the proposed land use conform with the purpose of the MOR District as stated in Section IV-2-H, and with the table of permitted uses listed in Table V-1? Will the project design be harmonious with adjacent land uses and the character of the surrounding neighborhood?
2. Will the proposed site plan and structure(s) conform to the development regulations in Article VI? Will the proposed site plan be compatible with the surrounding neighborhood? Will the proposed use overburden the capacities of existing streets, utilities, sewers and other public facilities?

Review Criteria

3. Will the location, orientation, setbacks, spacing and placement of the structure(s) harmonize with the surrounding neighborhood and minimizes the impact of their use and bulk on adjacent properties?
4. Will drives and parking areas be located, designed and controlled to move traffic conveniently and safely in a manner which minimizes traffic friction, noise and visual impacts?
5. Will adequately sized and designed parking areas be located to meet the requirements of Article VIII except as modified by the Development Review Board?

Review Criteria

6. Will safe and convenient provisions for the movement of handicapped persons and parking for the vehicles of the handicapped be accommodated in the project design in conformance with the requirements of the State of Illinois?
7. Will the project design encourage the preservation of natural features such as mature trees and other healthy vegetation?
8. Will the project design conform to the sign regulations in Article XI?
9. Will the location and construction of fencing and screening conform to the requirements of the Urbana City Code?

Review Criteria

10. Will the project design conform to customary engineering, site development and site landscaping standards?
11. Will landscaping berms, fences and/or walls be provided to screen adjacent properties from possible negative influences that may be created by the proposed use?
12. Will the design of drives and parking areas result in a minimum area of asphalt or concrete? Will drainage be provided in conformance with the requirements of the Urbana City Code?

Review Criteria

13. Will the location of exterior trash dumpsters, storage areas and loading areas be screened from adjacent properties and streets? Will exterior lighting be directed away from adjacent structures?

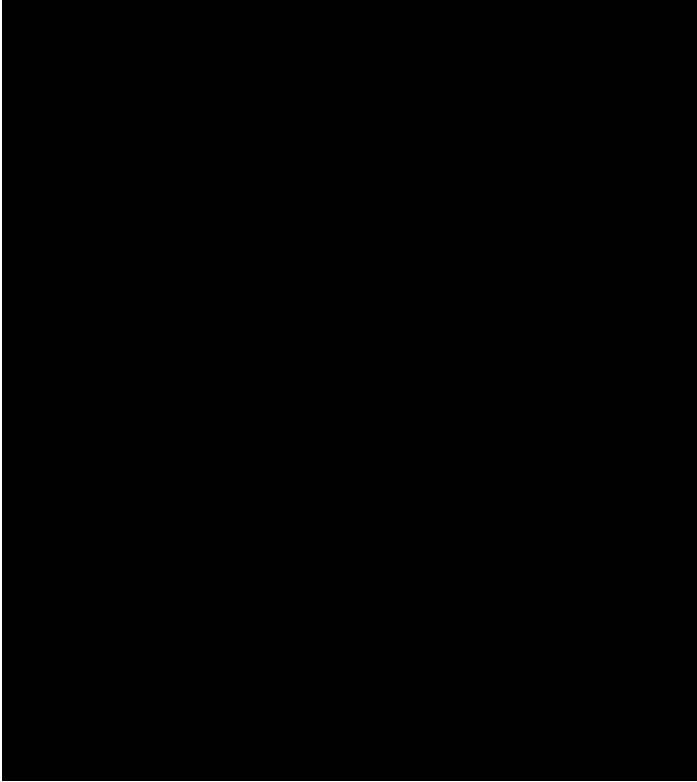
The Development Review Board shall not consider the architectural style, appearance, color, building materials, or architectural details of the structure in reviewing a proposed site plan except as such factors affect the placement of the building, drives and parking areas on the site.

Design Compatibility

- Architectural design important to determine compatibility











Unacceptable



Acceptable



Unacceptable



Acceptable





Design Guidelines

- A guide for DRB, Residents and Developers
- Address more general aspects including orientation of structure, massing, scale
- Address architectural features.
- Assistance from Historic Preservation Commission

*How large can a development be in
the MOR?*

Factors Limiting Structure Size in MOR:

- The 8,500 square foot rule
- Floor Area Ratio (FAR)
- Open Space Ratio (OSR)
- Setbacks

The 8,500 square foot rule

In the MOR, the maximum allowed buildable area of a lot shall be 8,500 square feet for purposes of calculating floor area ratio and open space ratios.

In other words.....

No matter how big the size of the lot, only 8,500 square feet of that lot can be used when determining building size.

Floor Area Ratio (FAR)

Gross Floor Area of building divided by the lot area.

Floor Area Ratio

Formula: $\frac{\text{Floor Area}}{\text{Lot Area}} = \text{Floor Area Ratio}$

F.A.R.: 0.50

F.A.R.: 1.00

F.A.R.: 2.00

Open Space Ratio (OSR)

Open space on the lot divided by the gross floor area.

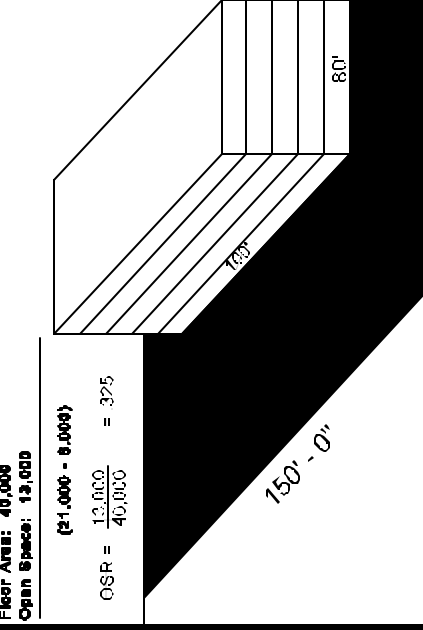
Open Space Ratio

$$\text{Formula: } \frac{\text{Open Space}}{\text{Floor Area}} = \text{Open Space Ratio}$$

Lot Area: 24,000 sq. ft.
Each Floor: 8,000
Floor Area: 40,000
Open Space: 12,000

(21,000 - 9,000)

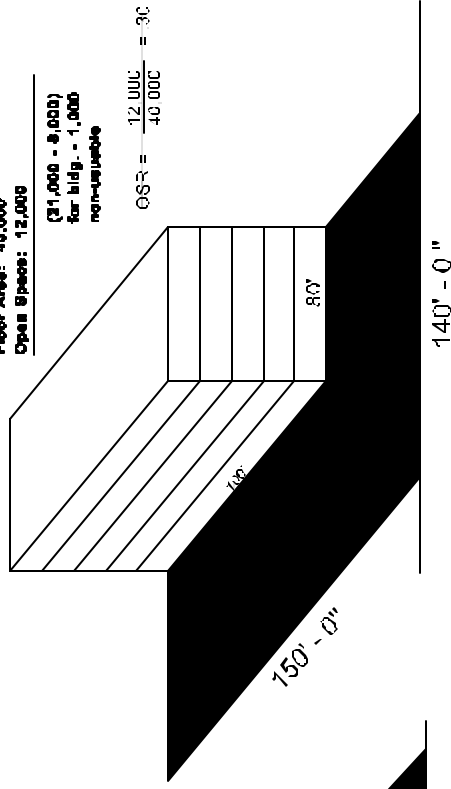
$$\text{OSR} = \frac{12,000}{40,000} = 32.5$$



Lot Area: 21,000 sq. ft.
Each Floor: 8,000
Floor Area: 40,000
Open Space: 12,000

(21,000 - 9,000)
for bldg. = 12,000
non-seizable

$$\text{OSR} = \frac{12,000}{40,000} = 30$$



Setbacks

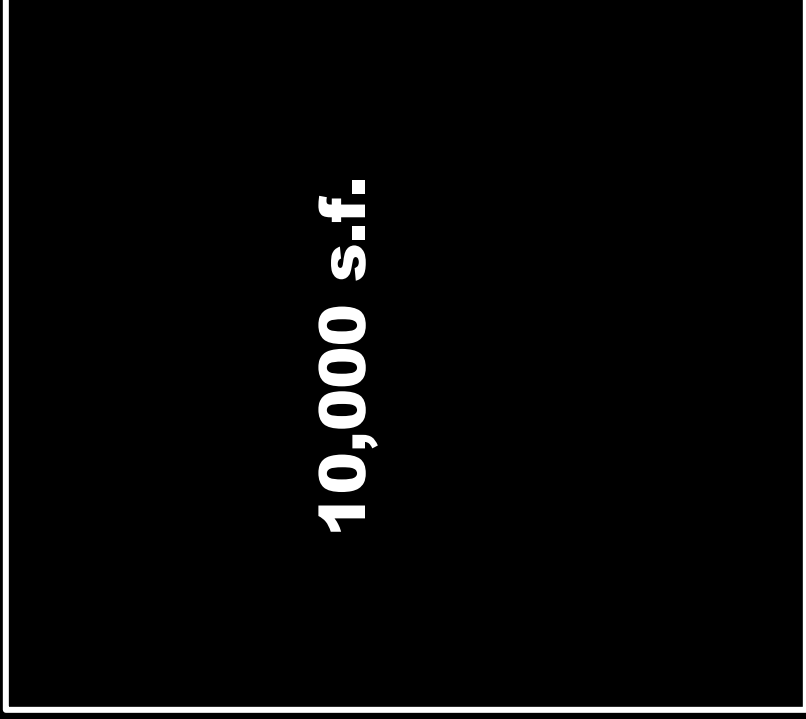
Average Front Yard Setback with 25-foot cap.

Side Yard Setback – 7(17)'

Rear Yard Setback – 10'

Lot Development Example.....

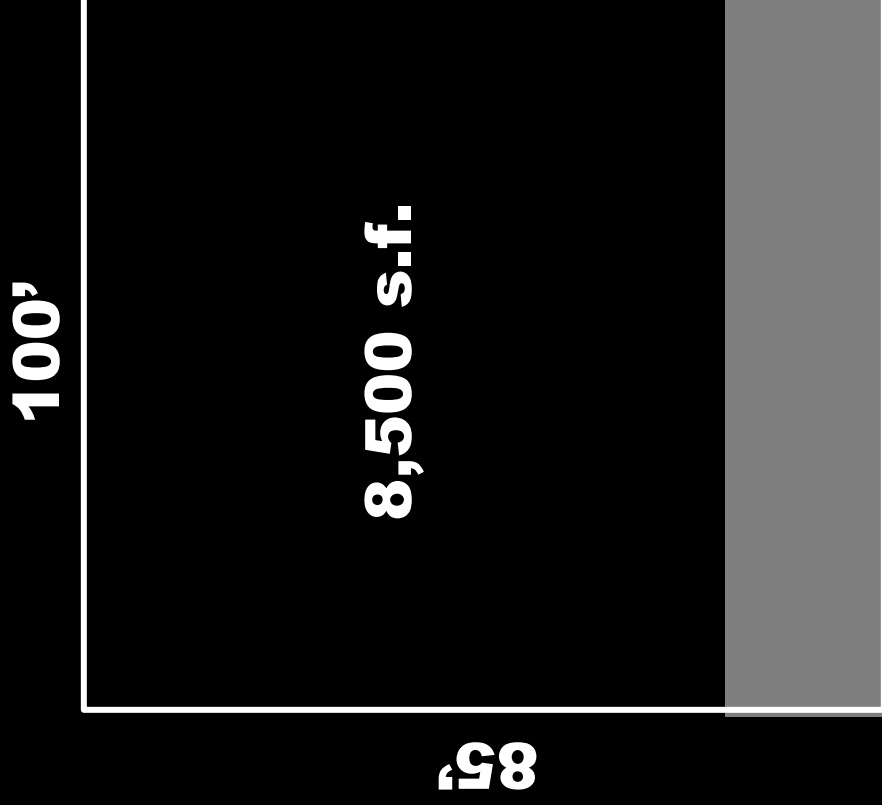
100'



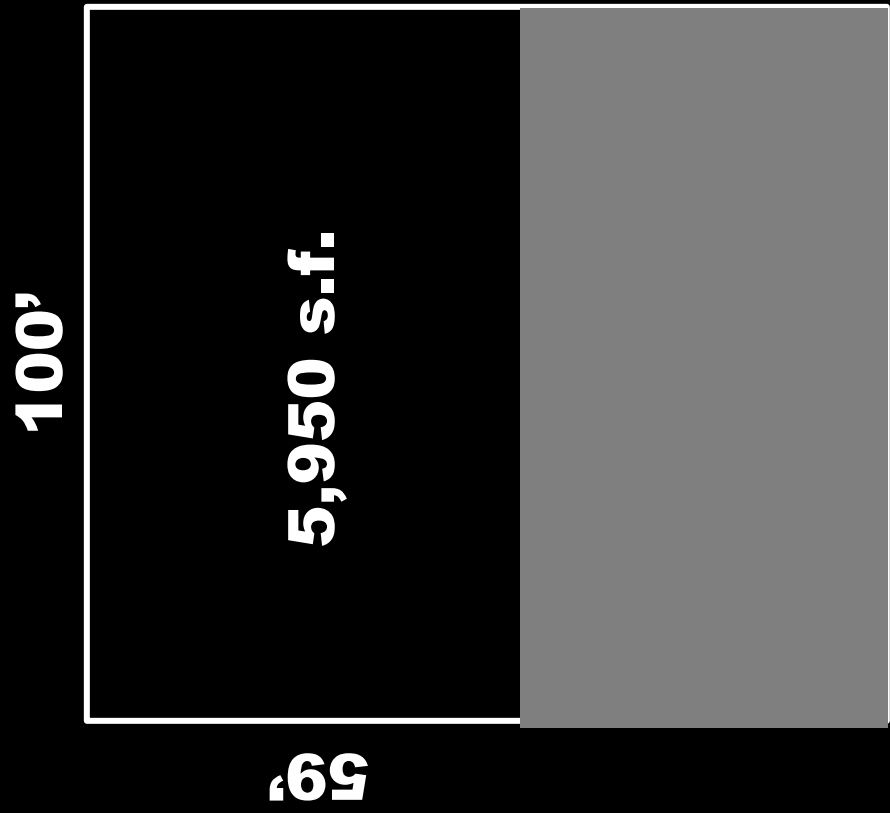
100'

10,000 s.f.

Factor in 8,500-square foot rule.....



Factor in Floor Area Ratio (.70).....

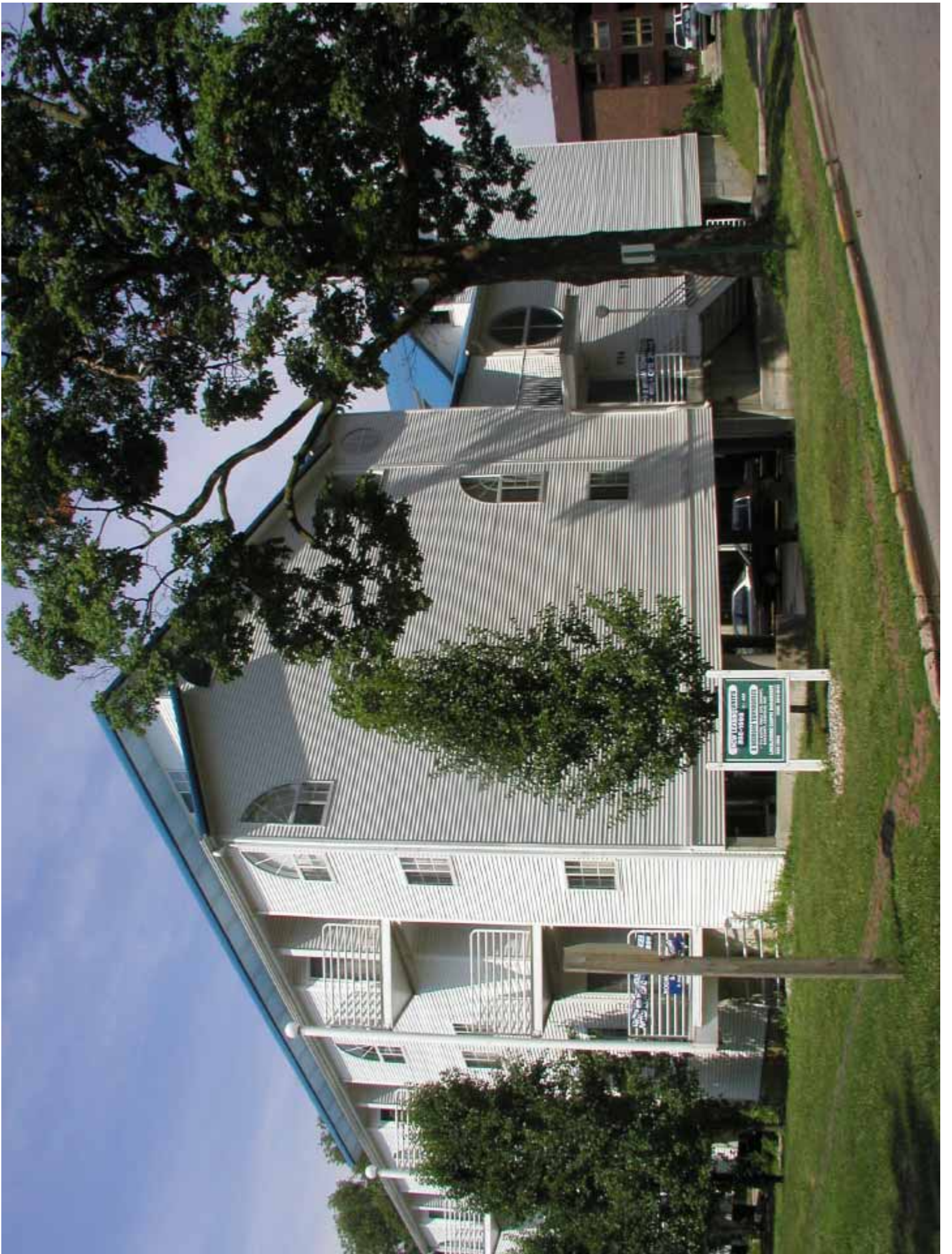


Factor in Setbacks.....

**Approx.
3,000 s.f.**

Campus Oaks





712 West Green Street



Previous Attempt at Revision

- 1997-1998 Task Force
- Proposed changes
 - Name Change, Alter Intent Statement
 - DRB Composition
 - Review Criteria
 - Variances
 - Different levels of review for apartments depending on # of units
- Stalled after Plan Commission review

Next Steps

- Text Amendment to Revise Zoning Ordinance pertaining to the DRB and Process (October 9th Hearing)
- Allow DRB to consider architectural features
- Draft Design Guidelines with assistance from Historic Preservation Commission (October – November)

Existing Urbana Zoning Ordinance Text

M.O.R., Mixed-Office Residential District

Section IV-2.I Additional Use Regulations in the MOR District

The MOR, *Mixed Office Residential District* is intended to provide areas for a limited variety of business, office, and residential land uses in proximity to low density residential dwellings in order to promote the economic viability and preservation of older residential structures while protecting the aesthetic and residential character of the area. The development regulations and permitted uses make this district suitable for properties which may no longer be viable as strictly residential uses but are located in a residential setting. This district is intended to encourage the adaptive re-use of these older residential structures as an incentive to preserve and extend the useful life of such structures while also allowing compatible new development. The MOR District is also intended to promote the conservation of buildings and neighborhoods, which in combination or individually, are of unique community and neighborhood significance.

The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected. (Ord. No. 8384-25, § 3, 10-17-83; Ord. No. 9091-59, § 2, 11-19-90; Ord. No. 9091-60, § 2, 11-19-90; Ord. No. 9091-61, § 2, 11-19-90; Ord. No. 9091-62, § 2, 11-19-90; Ord. No. 9293-72, § 1, 02-01-93)

Section V-8. Additional Use Regulations in the MOR District

- A. The purpose and intent of the MOR Mixed Office Residential District as stated in Section IV-2-H indicate that this District is unlike any other zoning district in this Ordinance. By reason of the unique purpose of this district, wherever this Ordinance imposes greater restrictions on properties in the MOR District than in other zoning districts, the greater restrictions shall govern.
- B. No land uses or structures shall be permitted in the MOR District without the approval of the Development Review Board in accordance with the site plan review procedures required in Section XI-12. (Ord. No. 9091-59. § 7, 11-19-90)

Section VIII-3. Location of Parking Facilities

- J. Parking located at ground level below any portion of a principal structure shall be prohibited in the MOR District. Parking located underground below a principal structure shall be allowed in the MOR District in accordance with the provisions of Article VIII of this Ordinance.

Existing Urbana Zoning Ordinance Text M.O.R., Mixed-Office Residential District

Section XI-12. Development Review Board

B. *Creation and Membership*

1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the site plan review procedure in the MOR District in conformance with the requirements of this Section XI-12.
2. The Development Review Board shall consist of the following five members who shall be employees of the City of Urbana:
 - a) The Zoning Administrator or representative
 - b) The City Planner or representative
 - c) The City Engineer or representative
 - d) The City Arborist or representative
 - e) The Building Safety Division Manager or representative
3. The Zoning Administrator or representative shall serve as chairman of the Development Review Board.

C. *Purpose and Objectives*

1. The purpose of the Development Review Board is to review and approve or disapprove all site plans for changes to uses in existing structures, for additions for exterior remodeling of existing structures, and for construction of new structures and parking areas in the MOR District.
2. The objectives of the Development Review Board in administering the site plan review required in the MOR District are to:
 - a) Encourage compatible new construction or rehabilitation and alteration of existing structures;
 - b) Encourage compatibility and minimize impacts between the proposed land use and the surrounding area;
 - c) Encourage the maintenance, preservation, and enhancement of both individual structures and the neighborhood's visual and aesthetic character;
 - d) Encourage the economic use of older structures in a manner compatible with the neighborhood;
 - e) Encourage flexibility and creativity in meeting the requirements of the Zoning Ordinance and the Urbana City Code;
 - f) Provide for the resolution of request for site plan approvals in conformance with the purpose of the MOR District and the requirements of the Zoning Ordinance.

Existing Urbana Zoning Ordinance Text M.O.R., Mixed-Office Residential District

D. Site Plan Review Procedures

1. A request for site plan approval shall be made by the applicant in writing on forms provided by the City, shall be accompanied by the site plan, and shall be filed with the City Planner. Each request shall be submitted with the required fee as provided in Section XI-8.
2. The Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois. All site plans submitted for review shall contain the information required by the Development Review Board.
3. Within 15 working days after the completed application, site plan, fee, and supporting documentation have been received, the City Planner shall convene a meeting of the Development Review Board to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 100 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than seven days prior to said meeting.
4. All meetings of the Board shall be held in a public place designated by the Chairman, and shall be open to the public, except as allowed by law. At any meeting of the Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.
5. After reviewing the proposed site plan according to the criteria and standards in Section XI-12-D, the Development Review Board shall vote to approve or disapprove the proposed site plan. All decisions of the Development Review Board shall require a unanimous vote. If less than all five members of the Development Review Board are present at the meeting, the request shall be tabled until all members are present, provided, however, that all proposed site plans shall be voted on within 30 days of the initial application. A less than unanimous decision by the Board shall cause the City Planner to appeal the request to the Board of Zoning Appeals in accord with Section XI-3. The Development Review Board may impose conditions or requirements that it deems appropriate or necessary in order to accomplish the purposes of this Ordinance only when site plan adjustments for an existing structure are only approved as an incentive to re-use the existing structure in accordance with Section XI-12-E.
6. If the proposed site plan conforms to the general standards and specific requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the general standards and specific requirements of this Ordinance, the Development Review Board shall so find and disapprove the proposed site plan. The applicant shall be notified in writing of the Board's decision within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board.
7. If the proposed site plan is not approved, the applicant shall be given a reasonable opportunity to resubmit the site plan with modifications to specifically address the findings of the Board. Site plan approval is required prior to the approval of any request for a building permit or a Certificate of Occupancy in the MOR District. Site plan approval is also required for all requests for conditional uses and special uses in the MOR District. The decision of the Development Review Board concerning the site plan shall be submitted to the appropriate body reviewing the

Existing Urbana Zoning Ordinance Text M.O.R., Mixed-Office Residential District

conditional use and special uses requests. The approved site plan becomes the official plan for the property and is the final site plan submitted with a request for a building permit in the MOR District. The physical development and continued use of the property shall be in strict conformance with the approved site plan.

8. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Board of Zoning Appeals in accordance with the procedures of Section XI-3-C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Board of Zoning Appeals shall have the final authority to approve or disapprove a proposed site plan.
9. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question and shall also keep records of its findings and official decisions.
10. The procedure for amending a site plan already approved by the Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.
11. Approval of a site plan pursuant to Section XI-12 shall become null and void unless an application is made for a building permit or Certificate of Occupancy within one year after the date on which the Board approves the site plan.
12. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

E. Design Review Criteria and Standards

All site plans will be reviewed by the Development Review Board according to the criteria and standards listed below. The Development Review Board shall approve no site plan unless it complies with the requirements of this Ordinance, is consistent with the intent and purpose of the MOR District, and is compatible with the land uses surrounding the site.

1. Will the proposed land use conform with the purpose of the MOR District as stated in Section IV-2-H, and with the table of permitted uses listed in Table V-1? Will the project design be harmonious with adjacent land uses and the character of the surrounding neighborhood?
2. Will the proposed site plan and structure(s) conform to the development regulations in Article VI? Will the proposed site plan be compatible with the surrounding neighborhood? Will the proposed use overburden the capacities of existing streets, utilities, sewers and other public facilities?
3. Will the location, orientation, setbacks, spacing and placement of the structure(s) harmonize with the surrounding neighborhood and minimize the impact of their use and bulk on adjacent properties?
4. Will drives and parking areas be located, designed and controlled to move traffic conveniently and safely in a manner which minimizes traffic friction, noise and visual impacts?

Existing Urbana Zoning Ordinance Text M.O.R., Mixed-Office Residential District

5. Will adequately sized and designed parking areas be located to meet the requirements of Article VIII except as modified by the Development Review Board?
6. Will safe and convenient provisions for the movement of handicapped persons and parking for the vehicles of the handicapped be accommodated in the project design in conformance with the requirements of the State of Illinois?
7. Will the project design encourage the preservation of natural features such as mature trees and other healthy vegetation?
8. Will the project design conform to the sign regulations in Article XI?
9. Will the location and construction of fencing and screening conform to the requirements of the Urbana City Code?
10. Will the project design conform to customary engineering, site development and site landscaping standards?
11. Will landscaping berms, fences and/or walls be provided to screen adjacent properties from possible negative influences that may be created by the proposed use?
12. Will the design of drives and parking areas result in a minimum area of asphalt or concrete? Will drainage be provided in conformance with the requirements of the Urbana City Code?
13. Will the location of exterior trash dumpsters, storage areas and loading areas be screened from adjacent properties and streets? Will exterior lighting be directed away from adjacent structures?

The Development Review Board shall not consider the architectural style, appearance, color, building materials, or architectural details of the structure in reviewing a proposed site plan except as such factors affect the placement of the building, drives and parking areas on the site.

F. Site Plan Adjustments

1. In order to encourage the compatible re-use of existing structures in accord with the purpose and objectives of the MOR District, the Development Review Board is hereby authorized to approve site plan adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code in accordance with the provisions of Section XI-12-E(3).
2. When changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing structures is proposed, the Development Review Board is hereby authorized to approve site plan adjustments or modifications of the requirements of the Zoning Ordinance and City Code. Construction of new buildings shall conform to all requirements of the Urbana Zoning Ordinance and Urbana City Code unless a general or specific variance is granted by the Board of Zoning Appeals or Urbana City Council in accordance with Section XI-3-C. The purpose of this provision is to provide an incentive to re-use the existing structures, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District.

Existing Urbana Zoning Ordinance Text M.O.R., Mixed-Office Residential District

3. In accord with the purposes of the Zoning Ordinance, the Development Review Board is hereby authorized to make minimum adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District that are consistent with the purposes of the MOR District:
 - a) Section VIII-2, Design and Specifications of Off-Street Parking;
 - b) Section VIII-3, Location of Parking Facilities;
 - c) Section VIII-4, Amount of Parking Required; except that no adjustment in excess of 25% of the full parking requirements may be approved by the Development Review Board and no adjustment of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
 - d) Section VIII-5, Off-Street Loading Regulations;
 - e) Article VI, Development Regulations; except that the Development Review Board is authorized to approve only the site plan adjustments listed in Section XI-3-C(2)(c) and no others; and
 - f) Chapter 7 of the City Code, Fences.

4. None of the provisions of this Section XI-12 shall prevent or otherwise restrict the ability of a property owner to request a general variance or specific variance or to receive approval of a request for a general variance or specific variance from the Board of Zoning Appeals or City Council in accordance with the provisions of Section XI-3 of this Ordinance.

During the October 1, 2003 Historic Preservation Commission meeting the MOR moratorium was discussed. During the discussion session the Commission focused on important elements that should be addressed in future design guidelines for the zoning district. The following is a list of general comments taken from the discussion. The comments address the Development Review Board (DRB), the review criteria process and offer suggestions for staff to incorporate into the MOR Design Guidelines:

DRB Process

Property owner/developer should be added to the DRB composition
Demolition permits shall be held until a site plan is approved by the DRB
DRB vote should be a Supermajority Vote rather than a unanimous or majority vote
Address “Lack of Maintenance” through the process
Instances where it is code versus design, promote solutions (i.e. doors) that are most residential in character
Trees should be saved, provide incentive in the process that will keep Green Street green

Applications

Applicants be required to produce elevations of the proposal including adjacent properties
DRB should be provided an illustration of the proposed footprint and those of surrounding properties

Design Guidelines

Design Guide require that construction “display compatibility”
Illustrate prominent architectural characteristics found in the neighborhood
Provide simple pictures of elements that are deemed “acceptable”
Use a variety of approaches with illustrations

Suggested Key Elements

- Asymmetry
- Front porches
- Narrower façade faces the street
- Major entrance on the street side
- 1-1/2 or 2-1/2 stories for buildings, maximum height to be 3 stories
- “Green space” in front-yards
- Windows facing each street frontage
- A minimum and a maximum percentage of wall face to be windows (e.g., 25 to 60%)
- Bay windows
- Windows taller than wide. (establish height to width ratios for windows).
- Gables or multi-gables
- Relatively steep roof pitch
- Relatively narrow, tall buildings
- Use of natural materials
- One central entryway for multifamily buildings
- Entryways should be inside the buildings

- Average height against surrounding buildings
- In designs without gables, dormers or other features along the front façade may improve the articulation of the structure
- Front-yard setbacks should be calculated by taking the average of adjacent properties
- Parking underground should be encouraged; sub-grade parking could be possible if designed well
- Prohibit open balconies
- No porches on second floor or higher
- Provide a foundation line (rusticated bases are common)
- Prohibit street-facing patio doors
- Encourage retention of trees
- Use residential looking doors
- Hip roofs are acceptable
- Few flat plane elevations

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: September 18, 2003
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Alan Douglas, Laurie Goscha

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Rob Kowalski, Planning Manager; Teri Andel, Secretary

OTHERS PRESENT: Zach Borders, Rich Cahill, Liz Cardman, David Monk, Esther Patt, Doug Quivey, Steve Ross, Rich Schugel, Trent Shepard, Ruth Wyman, Joan Zagorski

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:33 p.m., the roll call was taken, and a quorum was declared.

4. COMMUNICATIONS

The Plan Commission agreed to allow people, who desired to speak at the beginning of the meeting, to talk about the M.O.R. Zoning District, which was on the agenda to be discussed as an item under Study Session. The following is a list of people along with a summarization of their discussion:

Trent Shepard (of 409 West Oregon) wondered if there was something similar to the Tax Incrementing Finance (TIF) District that could be implemented for the M.O.R., Mixed-Office Residential Zoning District. If a person wanted to put money into a lot or parcel in the M.O.R. Zoning District, whether it would be upgrading any existing structures or building a new building and would agree to abide by some standards of review (architectural or floor area ratio: something that would make the property less dense and fit in more with some of the existing buildings), then perhaps they could get ten years of tax abatement on the increase in the assessed value.

Liz Cardman (of 708 West California) stated that she presented the initial petition to the City Council with nearly 200 signatures requesting the moratorium. She noted that there were some people who discredited some of the signatures for those who do not live in the M.O.R. Zoning District. Many people throughout town really think of Green Street as being the heart of Urbana connecting campus to the downtown area. It was more than just the residents adjoining the M.O.R. Zoning District who care about what was going on.

She shared a quote from a newspaper column on June 16, 2003 in the News-Gazette. She encouraged the Plan Commission to consider what their predecessors in 1990 intended to do with the M.O.R. Zoning District, which was to “protect and preserve the historical, architectural, economic, and environmental character of the neighborhood. The spirit of that had not really been accomplished. Therefore, she suggested that the Plan Commission consider the following criteria: 1) architectural criteria for any new construction, 2) a minimum setback, 3) a maximum height, and 4) what to do with the parking problems in the area. She also suggested that the Plan Commission consider underground parking as a possible solution.

Rich Cahill (of 307 South Orchard) mentioned that when the M.O.R. Zoning District was created, his property was down zoned from R-5 or R-6, Medium to High Density Multiple Family Residential Zoning District to R-2, Single-Family Residential Zoning District. He said that it was very frustrating living in this area. He noted that he has talked to several boards and commissions.

The demolition of the two houses on the 500 Block of Green Street put a major hole in the character of Green Street. Now, the Campus Oaks are standing out with vinyl siding and balconies hanging off the side. Several years went by without any changes in the M.O.R. Zoning District, and then all of a sudden there was the proposal for the development of an apartment building at 611 West Green Street. Next thing, the proposed development for 605 West Green Street came along. 701 West Green Street development snuck in right before the moratorium was passed.

The worse proposal of these three is the apartment building to be constructed at 701 West Green Street. It will be the tallest building in the neighborhood next to the Hendrick’s House and will be located kitty-corner to the Ricker House.

He noted that he is a member of the Historic Preservation Commission, which was able to discuss and make comments on the 611 West Green development because it was across the street from the Ricker House. He did not understand why the Historic Preservation Commission was not allowed to make comments on the 605 or 701 West Green Street proposals as well. How do you define what the impact would be? Would it be right across the street or would it be all the way from Lincoln Avenue to Race Street? There is still some character on Green Street, which will go down hill real fast. The impact was not on Green Street, but rather it was High Street, Orchard Street and California Avenue.

Mr. Cahill commented on the Development Review Board (DRB) and the M.O.R. Zoning District by saying that residents feel that unlike the other boards and commissions, they get a fair

chance to voice their opinions. He believed that it would be a hard choice. Should staff just eliminate the DRB entirely? Why have a board that really has not accomplished its goal? Although he believed it would be a tough deliberation, he was interested in seeing some major changes.

Mr. Pollock clarified that the issue in front of the Plan Commission was not whether to do away or change the M.O.R. Zoning District, but to amend it to try to tune it up and try and make it work a little better based on what its original intention was. Mr. Cahill stated that it would be hard to zone for good taste or lack of taste.

Ruth Wyman (of 502 West Main Street) stated that she recently moved away from the M.O.R. Zoning District and wanted to share a concern about the district. The issue of parking is a major concern, and because there are a lot of multi-family apartment units located in the M.O.R. Zoning District, there is not sufficient parking. This was also something that the City Council has to deal with.

Some landlords may say that there was enough parking provided, but that is not so. Some landlords have the required minimum parking space, which was one parking space for every two bedrooms. Although that certainly meets the City's requirements, it did not provide enough parking spaces for all the tenants. Some tenants do not use the provided parking spaces by the landlords, because the landlords do not provide those parking spaces for free. They charge an extra \$40.00 per month to tenants to be able to park their cars off the street. If the density increases in any of the M.O.R. Zoning District changes, then the parking problems will increase as well.

Mr. Alix mentioned that when the moratorium case was brought to the Plan Commission, they heard two general complaints from the public regarding parking. One complaint was that the City required too much parking. Specifically in the vein of preserving the character of the neighborhood, some people said that it was destroying the neighborhood to have so many cars to have to fight for parking spaces on the street, because new developments were not being forced by the City to provide sufficient parking.

The other complaint was that the City did not require enough parking. Some people stated that they did not want to look out their back windows and see that a house had been torn down in order to build parking to satisfy the requirement that the City imposes that a landlord provides parking.

He commented that it seemed that Ms. Wyman was in favor of the City requiring that the developers provide more parking. Ms. Wyman felt that both problems were valid and important. This should not be that everyone's backyard should have to be paved. On the other hand, if the City was going to meet the needs of the people living there, they were not meeting it in the current requirements and would certainly not meet it if the number of apartment units increase in the area. She suggested that the City keep the density low, maybe even lower the density some more to prevent a sea of concrete. She noted that Hunsinger's built a parking lot on Elm Street between Busey and Coler Avenues. The parking lot was available for people who live at some

of their units at 604-1/2 and 606-1/2 West Elm. The tenants may have to walk a half of a block, but it preserves some of the housing structures located there.

Mr. Alix mentioned that at one time, there was probably a single-family home located where the parking lot now is. The Plan Commission always hears about how landlords are not providing enough parking. What they do not hear were suggestions on how the City can get regulations that require landlords to provide that much parking without doing even more damage to the neighborhood. Ms. Wyman replied that the answer might just be not that the developers need to destroy the beautiful single-family houses that have and add such character to the neighborhood, but that the City says the area has to be low density because the neighborhood was not built at a time when there were cars around and because there was no way to keep the character of the neighborhood and meet the increase needs of parking associated with higher density residential.

Steve Ross (of 609 West Green Street) noted that he and his family live at “ground zero”. Three single-family homes were torn down, and now three apartment buildings will be built in their places.

He stated that if you look at the size of each of the apartment buildings to be built at 605, 611 and 701 West Green Street, the floor plans are designed to be as close to the maximum floor space ratio, which is 5,950 square feet, as possible. He suggested that a reasonable enhancement to M.O.R. Zoning District would be to limit the amount of increase from previously existing buildings to future newly constructed buildings. This would not encourage the building of large apartment complexes.

Esther Patt (of 706 South Coler Avenue) felt Mr. Ross’s suggestion was a very good suggestion. It would get to the heart of the scale, which was how new construction fits into the existing neighborhood.

She talked about the parking problem. She agreed with Ms. Wyman by saying that people do not want to see backyards paved for parking. However, the streets are getting filled with cars. How do we resolve this problem? The neighborhood cannot accommodate high-density multi-family. Although the M.O.R. Zoning District allows lower density than some other areas, what is currently allowed is still too high density for the neighborhood. She believed that if the City increased the parking requirements, then it would reduce the density of the buildings, because the developers would have to use more of the lots for parking.

She had heard talk of a bicycle path being putting in on Green Street from Lincoln Avenue to Race Street. Whether it would happen on Illinois Street or Green Street, it would remove 50 on-street parking spaces. She felt it that it would be poor planning to allow the building of apartment buildings with the expectation that 50% of the needed parking would be provided on-street when there was not enough parking on-street to start with and there were plans to remove some of that on-street parking.

She believed that what mainly drives the whole interest in higher density development was building a tax base. Although she was all for building the tax base, she thought it would be wise to have a look at how much the tax base would lose by reducing the density allowed somewhat to

make new construction in this neighborhood compatible with the neighborhood and within the limitations of what could be provided in that neighborhood. She believed that Mr. Ross's suggestion was a good one for accomplishing a lot of the goals of trying to maintain the profile of the neighborhood.

Mr. Alix addressed the density issues by saying that the argument that the City should reduce density in all the areas immediately adjacent to campus creates another problem, which is finding affordable and accessible housing for people. He did not know if it was an appropriate solution to say that anyone who was not in a position to buy a home and wants to live close to campus was "out of luck" and should move on North Lincoln Avenue in Capstone, University Commons, or Melrose Apartments. He would like to think that there was a way that the City could encourage the development of occupancy types other than single-family occupancy close to campus without destroying the character of these neighborhoods. Maybe it was an issue of lower density apartment buildings with four or six units.

Ms. Patt responded by saying that about 14 years ago when the Plan Commission was having hearings on the Campus to Downtown Plan, the whole thing seemed to be a fight between single-family only and the developers complaining about their property rights. She suggested small-scale multi-family. She personally found it nicer living in an apartment building with only three or four other apartments rather than a building with 15 units. You know your neighbors better, you feel safer, it is easier to maintain, and the building is kept cleaner and is quieter.

In general, there was no shortage of rental housing close to campus in the City of Urbana. The percentage of owner-occupied homes in the Campus to Downtown area was shrinking. From Lincoln Avenue to Race Street, there has been quite a bit of new construction since 1990. Therefore, she did not feel that there was any risk in the immediate future.

West Urbana neighborhood is a really nice single-family neighborhood. In terms of tax base, there are some nice homes with large property tax bills. The community has invested a lot of money in renovating the neighborhood school. She felt it was really a shame to say that an apartment building would bring in more money than not having any development on a property, so who cares what happens to the neighborhood.

On the subject of parking, Ms. Patt noted that building apartment buildings on Green Street does not only add parking to Green Street, but on High Street and Illinois Street as well. There are not enough parking spaces to satisfy apartment buildings. All this multi-family activity is pushing closer to single-family homes, which makes it appear to single-family homeowners that it will be harder to sell their homes as single-family homes.

Mr. Alix stated that he was trying to assess where the line between appropriate and character destroying uses sits. Whether the line sits just above a single-family home or whether there was an opportunity to allow some types of higher density development without going to the scale of 19 and 20-unit apartment buildings? Would it be appropriate for a developer to build a 4-unit, 2-bedroom building and the City require four parking spaces for that building? Ms. Patt felt that a four-plex type of development would be beneficial in a lot of different ways.

Ms. Upah-Bant thought that maybe the City could remove enclosed parking in the M.O.R. Zoning District by offering an incentive for people to have remote parking and maybe not bring their cars into the M.O.R. Zoning District. If we get the tram and put a bike path in, we already have good bus service, then we could plan for a young, urban professional area. Ms. Patt felt that would be an example of poor planning. There are government officials and urban planners, who all have cars and have no intentions of giving them up, are suggesting that we create a class of people who would not use cars. People need cars. It was unrealistic to presume that if we make it hard for people to park their cars, then people will forgo automobile ownership.

Ms. Upah-Bant believed that the City was not going to be able to get any infill, like first floor deli construction that we would like, in some of the older houses on Green Street unless there was a need for them. The only way there would be a need for them is if people cannot drive to the grocery store, etc. Everyone keeps complaining about cars, but we keep zoning to allow more cars. Ms. Patt responded by saying that the City had not changed the zoning requirement for parking in many years. That was one of the reasons why parking problems exist in the West Urbana neighborhood area. She added that people buy cars because of their need and not because of City zoning.

Ms. Stake wondered whether we could require new construction to have parking underground in the Downtown Urbana area, on Green Street and close to campus? Ms. Patt replied that if the parking would be completely underground, then it would be great. She felt that first floor parking lots would be so much worse than having streets crowded with cars. Developers do not like to build underground parking, because it is very expensive.

Joan Zagorski (of 1605 South Race Street) inquired as to how much it cost to buy a demolition permit? Elizabeth Tyler, Director of Community Development Services, replied that the fee for a demolition permit was \$100.00. Ms. Zagorski questioned about how much it would cost to purchase a building permit? Ms. Tyler answered by saying that the cost of a building permit was calculated by cost, size, and type of construction. It could be several hundred. Ms. Zagorski read from a book about straw-bale houses. She suggested that the City charge more for a demolition permit, so that might keep developers from tearing down houses to build apartment buildings. She felt the cost of the demolition permit should be based on whether the developer or property owner was planning to build a new single-family house or an apartment building. The extra money from the sell of a demolition permit could be used to pay an inspector to inspect homes in the neighborhood, so that they could be repaired instead of being allowed to deteriorate.

Ms. Tyler clarified the following:

- ✓ *Minimum Setbacks* – The minimum setback in the M.O.R. Zoning District is 15 feet in the front. There is also a maximum setback, which is averaged against the other buildings along the block face. The maximum setback is 25 feet.
- ✓ *Balcony Inspection Program* – The City has a program in place, where the City requires property owners with balconies to do inspections. Re-inspections are at the cost of the property owners. The City was not allowing unsafe balconies in Urbana.

- ✓ Parking Ordinance – The size of the bedrooms and how many bedrooms are provided in a building are what determines how many parking spaces that will be required. Staff has found that more students are bringing their cars to campus than in previous years. Surveys from about two years ago showed that car ownership rates have crept up above the City’s parking requirements. This is a real dilemma, because if the City increases the required parking to be consistent with what is now the ownership, then there will be an impact on the City’s development regulations. So far, the City has not been able to come up with a resolution to this problem.
- ✓ Underground Parking – This is something you would see in higher densities, where the developer can afford the elevator, and there is enough of a building construction to make it worth to put that parking underground. Currently in the M.O.R. Zoning District, first floor parking levels are not allowed.
- ✓ Impact of On-Street Parking – As she understands it, there is no permit parking allowed on Green Street, but there is on High Street. Anyone living on Green Street cannot get a permit. This prevents those tenants living on Green Street from parking on High Street, and it gives the tenants and residents on High Street a place to park.
- ✓ Density Reductions – Currently, staff was not suggesting any density reductions, because it represents from 13 years ago, density reductions that were carefully done throughout the whole Downtown to Campus Plan. If staff were though this amendment to reduce density potential in this area, which is only 16% owner-occupied, then they expected to be challenged pretty hardily on that.
- ✓ Demolition Permit Fee – This fee is pretty nominal. However, demolishing a structure is pretty costly, ranging around \$7,000 to \$8,000 for a small-sized house.
- ✓ Building Permit Fee – This fee is definitely more costly for any type of commercial use, including multi-family than for a single-family permit.

Mr. Alix asked for a summary on the restrictions placed on people being able to park on certain streets. Ms. Tyler explained that a resident must have an address that has permit parking. Her understanding was that High Street was protected for the extended permit parking, but Green Street was not.

Mr. Alix inquired if a person living on High Street could buy a parking permit for California Street? Ms. Tyler replied that a person couldn’t obtain a permit unless he/she lives in the permit parking area. Mr. Alix asked who could purchase a parking permit? Ms. Tyler stated that any resident, tenant, or homeowner that lives in the permit parking area. Ms. Cardman believed that the line for the parking district went down Green Street. In affect, anyone who lives on the south side of Green Street would be in the parking zone. Ms. Tyler stated that this was a good question and she would find out the answer.

11. STUDY SESSION

M.O.R., Mixed-Office Residential Zoning District

Mr. Kowalski presented the study session with an overview of the M.O.R. Zoning District by discussing the following:

- Background of the M.O.R. Zoning District
- Intent Statement
- Activity in the M.O.R. Zoning District
- Other Developments on the Corridors that are Not in the M.O.R. Zoning District
- Recent Proposals in 2003
- Request for a Moratorium
- Goals of the Moratorium
- Changes to the Development Review Board
- Development Review Board – Existing Composition
- Review Criteria (According to the Zoning Ordinance XI-2.D
- Design Compatibility
- Design Guidelines
- Factors Limiting Structure Size in the M.O.R. Zoning District
- The 8,500 Square Foot Rule
- Floor Area Ratio (FAR)
- Open Space Ratio (OSR)
- Setback Requirements
- Previous Attempt at Revision
- Next Steps

Mr. Kangas inquired what the maximum height requirement was? Mr. Kowalski replied that it was 35 feet, which was consistent with other zoning districts. It was measured from the ground up to the average of the roof pitch.

Ms. Stake really liked the idea of a percentage in relation to the existing structure. It would prevent the six and eight-bedroom apartment buildings from being developed in the M.O.R. Zoning District. It would still allow the development of four-bedroom apartment buildings, which would fit in with the density that was there now. She would like to have the density be reduced in order to solve the parking problem.

Mr. Hopkins pointed out that the calculation was confounding two different things: footprint and floor area. In the example used in the presentation, he noted that the setbacks do not affect the maximum floor area, so the result would actually be that 6,000 square feet would be the maximum building size. 3,000 square feet would either be the maximum or an example of a footprint size. Mr. Kowalski agreed. He stated that 5,900 square feet would be the maximum gross square footage. When the apartment building at 611 West Green Street is developed, it will give you an idea of what the maximum size building a developer could build in the M.O.R. Zoning District.

Mr. Hopkins inquired as to the purpose of having the 8,500 square foot rule? Mr. Kowalski believed it was to reduce the size of a structure that could be built and to in effect, reduce the density of what would be possible. Ms. Tyler added that the purpose was to also limit lot consolidation. Mr. Hopkins replied that this could still encourage a developer to develop three

lots simultaneously, but it could not be a single building. What we are trying to prevent is large buildings: not large developments. One of the ways we might get better developments and the opportunity to switch things around and face the street, would be to change lot shapes. Lot shapes are one of our problems. He expressed concern over using lot size this way, because it may restrict some options that the City would actually want. Ms. Tyler mentioned that staff researched the amendment and found that the previous task force, when they tried to adjust the square foot limit, over corrected and did not test it. Whatever was the negotiated process through the Plan Commission, back then, this was what came out.

Mr. Hopkins said in regards to the architectural features, it might be worth considering, leaving part of the statement of what the Development Review Board would not consider. He suggested leaving "architectural style" in that statement. The compliment to that would be in the design guidelines to address architectural features in relation to orientation of the structure, massing, scale, etc. Those are the things that he thought was worth arguing about in terms of how it affects the street and not whether we will have buildings that were built 60 years ago.

Mr. Hopkins talked about the parking issue. He said that the simple answer was that there was no answer. We need to recognize that the situation we are creating in West Urbana and on Green Street in particular, is a very artificial situation. Without lots of regulatory monitoring input and effort, it would not be anything like what it is. The City has put a lot of effort into this. However, at some point, we have to accept the notion, that if we are going to create a single-family neighborhood where it does not belong, that the people who choose to live there have to accept that there are some costs to living in a place that they essentially get the right to walk to work without paying the cost of displacing larger numbers of people who must live farther away and pay higher costs of movement in order to get to work or to get to the University of Illinois. So some of the issues about parking and relationships within the City and the single-family, he thought "tough". People need to accept that when they make kind of choice, they cannot get a single-family dwelling with no one crowding for a parking space, no one walking by, and no one living more densely next door, and still be within walking distance from the University of Illinois.

Mr. White stated that it seemed like there were very few of the homes in the M.O.R. Zoning District were occupied by their owners. He asked staff to find out how many people reside in the rental properties. Mr. Kowalski replied that staff could find that out. Mr. White noted that his son used to live in a rental house that was fairly dense. He wondered how much more dense it would get with a four or six-bedroom apartment.

Ms. Stake remarked that the single-family dwellings were not just for the people that are in the neighborhood. It was because these old homes cannot even be built again as they are now. That is the historic area of the City of Urbana. People really want to keep some of the history of Urbana. She recognized that students have different lifestyles then when she went to school; however, we need to save historic Urbana for everyone in the community.

Ms. Upah-Bant stated that she is concerned about design guidelines. This would be a real change in the way that the City of Urbana would zone. She remarked that she would never live in a subdivision with a covenant. She felt this would be the first step towards that. Will the

design guide become part of the Zoning Ordinance? Mr. Kowalski answered by saying that staff has not figured out how the design guidelines would fit with the Zoning Ordinance as of yet. Design guidelines are new to a lot of communities. The key is to keep them as guidelines. Ms. Upah-Bant commented that did not comfort her. She did not have any great confidence that would be what happens. Since there would only be one architect on the Development Review Board, she would feel better if she got to pick the architect. Mr. Kowalski mentioned that the Mayor would appoint the members of the Development Review Board. The idea was that the guidelines would be general enough, that a person would not have to be a licensed architect in order to understand them. They would be something that are general enough, and the guidelines themselves would be illustrated graphically.

Ms. Upah-Bant inquired if design guidelines would be added to other residential zoning classifications? Mr. Kowalski replied that would be a lot of work. Ms. Tyler added that the City staff does not want to dictate design, but they want to give some guidance. Staff wants to walk a fine line between giving guidance, but not dictate design. Part of having the Development Review Board work with a majority was that there would be different voices. Hopefully, there would be good guidance from a Plan Commissioner, a Historic Preservation Commissioner, a resident, a property owner and an architect. Mr. Kowalski mentioned that staff was doing an inventory of the structures in the Green and Elm Street Corridors as well as the M.O.R. Zoning District. They are trying to get a sense of what some of the common design themes are in the area.

Mr. Kangas commented that the hard part was to give some guidelines on what the City wants and also allow for some flexibility. No one wants controls on their own property, but everybody wants controls on their neighbors' properties. That was the hard part of this.

He agreed with several of the comments on parking. The City should not raise their expectations too much, because when whatever is done specifically on Green Street, it will not create lots of empty parking spaces to solve the problems in the neighborhood.

Ms. Stake wondered if there was anything that the City could do to help the conservation of the buildings already in the M.O.R. Zoning District. Developers and property owners should have to pay more than \$100.00 to tear down some of these beautiful old buildings. She also wondered if there was any incentive that the City could give the property owners to use the old buildings. The idea in the beginning of the M.O.R. Zoning District was that people would use the old buildings for shops, etc. rather than tearing them down to put up housing. She liked the original intent/reason for the M.O.R. Zoning District. Mr. Kowalski responded by saying that the main vehicle the City has was for a property to become a historic landmark or historic district. The City does not have any local programs that give any kind of financial incentives. There are some state tax advantage possibilities for large scale projects. However, it does not necessarily work for a homeowner who bought a house and wants to fix up the front of it. Any kind of program was possible. It was just a question of "what kind of local funding could be committed for it?" and "How was it structured?" Really for preserving buildings, the City's best tool right now was the Historic Preservation Ordinance and nominating properties as landmarks.

Mr. Hopkins mentioned that one of the opportunities to make sure that staff keeps was their opportunity to work with property owners and developers to persuade to do good things quite aside from regulations. There was much more effect at the staff review level than at the guidelines level. That would also be one way to keep this distinction between what is norms setup for staff to seek in working with developers and what is actually a regulation that the City could require someone to meet. He felt that the regulations should be explicitly limited, and that staff should give as much help in the way of norms that are expressed visually and otherwise to sell the ideas to the developers of good things to do. Ms. Tyler stated that the idea would be to give staff a little more freedom to go through the staff review with the guidelines and improved criteria to form a good staff report and recommendation. Then, the Development Review Board could work democratically to approve or disapprove a case. Staff would be more involved in helping to improve the projects this way. Mr. Hopkins suggested that the current staff based development review function should not disappear. However, instead of being a regulatory function, it should be an advisory workshop function to the developer. It may mean that there would be no staff actually on the decision-making Development Review Board. Ms. Tyler believed that staff was heading in that direction. Mr. Kowalski believed that it would work very similar to how staff currently processes Special Use Permits, where staff meets with the petitioners well in advance of the public hearing. Staff has lots of suggestions, and the site plans are changed quite a bit before the public hearing, because the developers and property owners are looking for staff's support in the public hearing. Mr. Hopkins felt that staff could go one step beyond that and prepare an agenda in place to go into those meetings with those groups. Staff could have ideas, guidelines, examples and illustrations, so that they could do even more in this area.

Mr. Hopkins talked about the percent increase idea. If it was a percent increase per parcel, then he felt it was not a good idea. He saw a couple of problems with this concept.

The first problem was if there was a small building on the same size parcel as the one next to it, then the property owner would be restricted to building a structure depending on the size of the current structure on that parcel. It was a matter of fairness. There was a question of equity of treatment in the law. There was also a strategic response question. Does it make any sense that because this parcel happens to have a small house, that we do not want a bigger building replacing that small house on that parcel, and if the parcel next to it has a bigger house, that the property owner could have that much bigger of a house on his/her parcel? The idea is to relate new development to a general massing bulk characteristics of an existing development. He did not feel the way to do it was parcel by parcel.

The second problem was it begs strategies. If a property owner buys a house and expands it by adding on cheap additions until it is up to the size desired, then this could be worse and more problematic. Ms. Stake stated that maybe then the Floor Area Ratio (FAR) should be different then in terms of the lot size. The buildings are getting too big. What do you change to make it so that we do not have huge buildings next to single-family residences? Would the size of the lot and the FAR, if the City changed the FAR, make a difference? Mr. Kowalski answered by saying that if the FAR were lowered, then it would affect how big of a structure that could be built.

Ms. Tyler reminded the Plan Commission that the original petition did ask for a review of “density reduction”. That wording did not pass at City Council. There is also not any administrative support for “density reduction”. She was not saying that it could not be discussed or that it could not be part of the Plan Commission recommendation. However, the moratorium only moved ahead when the density question was removed from the petition.

Mr. Hopkins added that if the Plan Commission was going to talk about density and FAR at the same time, then they need to talk about what is meant by “density”. “Density” usually means per dwelling unit or per person. “Floor Area Ratio” is building volume. There can be big buildings with small numbers of apartments, and that would actually have low density. It may be bulk was what they were concerned about and not density. It may also be that household density or dwelling unit density was not what they were concerned about, but people density. He guessed that a lot of the concern was not about people density, but about car density, which was something else and unrelated. The idea of not changing density was sufficient to talk about.

Mr. Alix suggested some ways in which the City might be able to reduce the impact of these properties. Those suggestions were as follows: 1) The 3,000-foot footprint was significantly larger than the first floor of any single-family home. A 3,000-foot footprint would allow an 8+-unit apartment building. If the intention was to prohibit the construction of large apartment buildings in this district, then the footprint was too large to achieve the desired result. 2) One way in which the number of both the density of traffic generated and the density of units could be reduced would be to limit the amount of lot that was allowed to be paved and used as parking combined with the existing or an increased requirement for the number of parking spaces that a developer or property owner would be required to have per unit. For example, if the City required one parking space per bedroom, then we would effectively be limiting, by simple physics, the number of apartments that could be built on one of these lots. Developers and property owners could not build more units than they could provide parking for. This could be an avenue that may address both the parking issue and the density issue at the same time.

Mr. Alix found a lot of what Ms. Upah-Bant said compelling. We are spending a lot of effort on the M.O.R. Zoning District, which is a very small district with a small number of lots. The tools that we are talking about using in this district are very different than the tools that we consider in other areas of the City. He would appreciate if his neighbor could not tear down her home and build a big, ugly single-family home covered with vinyl siding, but the City has no perceived need to impose design controls on the other districts. This seemed to be something unique to the M.O.R. Zoning District. He was troubled to some extent by this.

He was also troubled by the fact that he was not hearing a consistent message as to what the City was trying to preserve and why they were trying to preserve it. There was sort of a universal belief that nice old houses should be saved, but if that was a historic preservation issue, then that was something that the City should be dealing with in the Historic Preservation Ordinance or coming out and saying that the primary reason for the existence of the M.O.R. Zoning District was to preserve these historic structures, most of which do not fall within the bounds of our current Historic Preservation Ordinance. If the issue was to control parking, then the City needs to come out and address this as a parking issue. If the need was to preserve the single-family residential character of this neighborhood, he felt that the map, which staff had presented earlier, clearly

showed that this was not predominantly a single-family residential neighborhood anymore. If we are trying to preserve the property values or the life-style of a small number of single-family homeowners, then that could be done in a way that was consistent with the interest of the community.

It seemed that in the discussion of the M.O.R. Zoning District that the goals have wandered around. It was sort of a historic preservation goal. It was sort of a quality-of-life goal. It was sort of a parking goal. It was sort of a neighborhood character goal. He believed, if not at this body level, then certainly at the City Council level, that there would be a pretty compelling argument made that the changes that are happening in this neighborhood and the recent proposals that have been brought, are part of the natural cycle of neighborhood development. A neighborhood with this close proximity to campus on a relatively major street would be under constant pressure to increase density and repurposed for commercial development. There will be an argument at City Council level that the City needs the economic benefits that come from permitting areas such as this neighborhood to be developed with ever increasing density. For staff to make arguments to change the M.O.R. Zoning District, he would like to see those arguments, whatever they may be, backed up by a consistent message as to what and why the City was trying to preserve this. He was concerned that the City was designing this one zoning district with a scalpel. Where as, in general, the Zoning Ordinance was kind of a blunt axe. City staff has deliberately tried not to get involved in the designing control business for as long as he had been on the Plan Commission. If the City was going to get into that sort of business in the M.O.R. Zoning District, then why are we not getting into that business on a citywide basis? If we are not getting into it on a citywide basis, then why are we trying to do it in the M.O.R. Zoning District?

Mr. Alix was disappointed to hear that the Historic Preservation Ordinance considers a property worthy of consideration by the Historic Preservation Commission if that property is across the street from a historic structure, but not if that property was located diagonally across an intersection. Ms. Tyler added in the M.O.R. Zoning District only. Mr. Alix commented that if there were quirks like that in the Historic Preservation Ordinance and/or in the M.O.R. Ordinance, then that might be something that staff might want to address with something like a 75-foot rule or something like a better definition of "immediate adjacent". Clearly, it is the case that a historic structure could be impacted by something that was located not immediately adjacent to it.

He found Ms. Upah-Bant's argument about parking was a good one. It was not necessarily the case that the City was obligated to provide parking for everyone who wants to park. In effect, in more urban areas, people do make the choice of whether or not they buy a unit or rent a unit based on the availability of parking. As Ms. Patt had said, people may not decide to buy a car based on whether or not they have a place to park it; he felt this was generally true. However, he did not feel it was the case that people would happily rent or buy a property if they know it comes with no place to park their car. It will not be possible to keep everyone happy and to allow the type of density that developers and some of the community would like to see built in these areas, but at the same time make sure that there are parking spaces for all these cars. To some extent, it was an unsolvable problem or another way to look at it would be as a self-solving problem. People who live in the neighborhood or people who are considering living in the

neighborhood will adapt based on the amount of available parking. He was not convinced that the City needed to impose restrictions or even that it was a good idea to encourage or require developers to pave over more of this neighborhood in order to provide more parking.

Ms. Upah-Bant clarified that she was proposing that maybe the City could offer the students an incentive if they would park their cars remotely or not bring a car to Urbana. Ms. Tyler noted that the University of Illinois used to have restrictions on students bringing cars to campus, and they got away from that. Now, the University of Illinois encourages staff to park remotely. Mr. Alix felt that was a very good point. There are ways that the City could support if not actually provide the notion of remote parking by subsidizing increased frequency of bus service in a particular neighborhood and by subsidizing a creation of remote parking or encouraging developers to cooperate in terms of providing that kind of service. There was more that the City could do than just require developers to build more parking spaces.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: October 9, 2003
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Laurie Goscha, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Alan Douglas, Randy Kangas

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Rob Kowalski, Planning Manager; Teri Andel, Secretary

OTHERS PRESENT: Todd Bendor, Jason Brody, Rich Cahill, Divya Chandrasekhar, Ji-wean Choi, Paul Debeuec, Jeff Engstrom, George Gore, Rebecca Haughtalry, Cynthia Hoyle, Kate Hunter, Hye Young Kim, Hyung Kyoo Kim, Linda Lorenz, Ben Mason, Linna McDade, Andrew Murray, Rohit Negi, Esther Patt, Jackie Pfeiffer, Steve Ross, Sofia Sianis, Lois Steinberg, Emily Talen, Susan Taylor, Lisa Treull, Matt Wenger, Kathleen Wilcox, Tolga Yilmaz, Joan Zagorski, Jason Zawila

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:31 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes from the September 21, 2003 meeting as amended. Mr. Upah-Bant seconded the motion. The minutes were then approved as amended by unanimous voice vote.

4. COMMUNICATIONS

Regarding the M.O.R., Mixed-Office Residential Zoning District:

- Email from Clare Barkley
- Email from Carolyn Baxley
- Email from Donald Burkholder
- Email from Stephanie Bury
- Email from Elizabeth Cardman
- Email from Karen and Michael Folk
- Email from Marcel Franciscono
- Email from Camille Goudeseune
- Email from Howard Guenther
- Email from C. K. Gunsalus
- Email from Deborah Katz-Downie
- Email from Linda Lorenz
- Email from Sarah McEvoy and Huseyin Sehitoglu
- Email from Georgia Morgan
- Email from Phil and Sonia Newmark
- Email from Curtis Pettyjohn
- Email from D. Fairchild Ruggles, PhD
- Email from Michael Walker
- Letter from Joan Zagorski
- Email from Ricardo M. Zayas

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Plan Case 1865-T-03: M.O.R., Mixed-Office Residential Zoning District and Development Review Board Procedures Text Amendment

Elizabeth Tyler, Director of Community Development Services Department, presented the staff report for this case to the Plan Commission. She mentioned that staff had allowed enough time for the Plan Commission to review this case at this meeting and continue discussion and make a final recommendation at the next meeting before the moratorium expired. She gave a brief introduction and background noting the history and the projects in the MOR Zoning District. She talked about the Interim Development Ordinance (IDO) that the City Council adopted on July 21, 2003 and stated the purposes of the IDO and the moratorium. She noted the previous efforts at amending the MOR Zoning District. She discussed the amendment review process.

Ms. Tyler summarized the proposed amendment in detail. She discussed proposed revisions to the following sections:

- Section IV-2.1, Purpose of Districts

- Section VII-3, Location of Parking Facilities
- Section XI-12, Development Review Board
 - Powers and Duties
 - Membership
 - Application and Development Plan Submittal Requirements
 - Development Review Board Review Procedures
 - Development Plan Review Criteria
 - Adjustments to Existing Codes and Regulations

Ms. Tyler mentioned that there were a number of other related issues and actions that have been discussed during the preparation of the amendment but were not included in the current proposal. They include the following: demolition procedures, revisions to the Table of Uses, and adjustments to development regulations. During preparation of the proposed amendment, the need for a number of related actions had arisen as well. They include the following: potential sites for rezoning, adjustment to permit parking area, adjustment to definition of bedroom, Historic Preservation review of proposals around historic properties, and parking for multi-family residences.

Ms. Tyler summarized staff findings. She noted the attachments to the staff memorandum. It was staff's recommendation that the Plan Commission would not forward the case to City Council at this meeting, but instead they take the time to review the information they received in their packets and make a recommendation at the next scheduled Plan Commission meeting. Chair Pollock agreed with staff's recommendation that the Plan Commission carry the case over to the next meeting to give the Commissioner's a chance to read the written correspondence, to give staff time to answer questions that will arise out of this meeting from both Commissioners and from the public.

Ms. Stake stated that the City has provided incentives for people to move into the Stone Creek Subdivision with tax write-offs. She wondered if the City could do the same for people interested in reusing an old house, which is historic. The whole area is historic. There was reason for the City to spend some money for incentives.

The other question she had was if staff could get the design criteria for the Plan Commission by the next meeting? She thought the design criteria were one of the most important parts to the proposed amendment. When reading the existing MOR text amendment and the proposed amendment, they are not too different. The Purpose of the MOR Zoning District is only a little shorter in the proposed text amendment. The Purpose states, "... limited the scale and intensity" of the uses and buildings that may locate in this district. The City has not really done that, but it was in the Purpose. Therefore, she felt that the design criteria were something that the City needed in order to make sure that the changes are effective.

Ms. Tyler responded to Ms. Stake's suggestion of the City offering incentives by saying that the incentives offered to people to build homes in the Stone Creek Subdivision was through the Build Urbana Tax Rebate Program. This was available anywhere in the City for new single-family, duplex and condominium housing to increase residential activity. It has been very effective. The City has gone from 34 new housing units built in Urbana per year to about 200

per year. This has improved Urbana's tax base tremendously. It was only a program of short duration and ends December of 2004.

She stated that the target neighborhoods, which have income where people couldn't afford home improvements as much as other neighborhoods, did not include the MOR Zoning District. The City does have Housing Rehabilitation Programs and Emergency Grants and Access Grants for home improvements. We use our federal dollars for first time homebuyer loan programs.

The City has a whole host of housing programs to help people whether they are buying a new house or want to buy an older house and rehab it. However, the MOR Zoning District was not of an income level that would qualify for these programs.

In regards to design criteria, Ms. Tyler noted that if we want good criteria it would take longer than two weeks to create. She mentioned that the Historic Preservation Commission recommended a number of key elements that will be in the design guidelines. However, there also needs to be photographs, drawings, and illustrations included in the guidelines, so that people, who do not have an architectural background, could really comprehend these elements. To do that well, it will take some time. The City has an architecture student retained to do that. The City wants a nice pattern book that people can use and really understand what could be built in this area. It might be January when the pattern book is done. In the meantime, staff does not want to hold up the amendment until then. In the proposed amendment, the Development Review Board would be able to look at the design of a proposed structure. Currently, the ordinance prohibits the Development Review Board from even looking at design. Therefore, we are heading in the right direction.

As for the Purpose not being different, Ms. Tyler agreed that it had not been changed. Staff was not trying to do anything radically different.

Ms. Stake clarified that she wanted the City to create an incentive for people to reuse the older homes on Green Street. She would like it to be one recommendation to the City Council. Older homes are very important to the City of Urbana. We do not want to destroy the neighborhood. Ms. Tyler replied that the Plan Commission could review the material in the amendment, and then the ideas that were not included in the amendment, the Plan Commission could think about how they want to move the text and whether they want supplementary recommendations to forward to the City Council in addition to that.

Mr. White posed a question about underground parking. If the City wanted to really encourage underground parking, then the City would allow for use of multiple lots for larger structures, so that the developers would be able to afford to have underground parking. Otherwise, it would be too expensive. Ms. Tyler answered by saying that was one reason why staff looked at having parking areas partially submerged, which was a much less expensive option. If it was hidden in the rear of the property, then that might allow for some hidden parking and still be within the current footprint. She agreed that encouraging underground parking was really something that you only see in much larger scale buildings. Mr. White inquired why the City did not allow development on multiple lots with a new single structure? Ms. Tyler replied that it would come up against the purpose of the MOR Zoning District to retain the scale. There are certainly many

people that feel that these corridors should be more intensively developed. Mr. White thought in a way that architecture was as important as scale. Developers are really limited when the City limits it to single-lot development. He noted that he was only asking a question and not making a suggestion. Ms. Tyler believed that many of the owners would agree with that observation.

Mr. Pollock asked staff to explain what “transfer of development rights” would entail? Ms. Tyler answered by saying that it was something that you would see often in environmentally constrained areas, where you might have certain zoning or perception of the ability to develop, but then there are constraints such as slopes or endangered species. Rather than telling someone that they could not build because of the constraint, the owner could sell their right to build to someone else and place that development right elsewhere in a permitted area. It was a way to retain some value in difficult locations. It could also be used to cluster development in some of the environmental areas and was used in urban locations. If you average everything out, it was still the same development intensity, but it was a way to allow creativity in getting around obstacles and development.

Mr. Pollock questioned if the Plan Commission or the City Council decided now or in the future that an adjustment to the definition of “bedroom” was appropriate or if the number of parking spaces required per bedroom need to be changed, then could those changes be legally made to the Zoning Ordinance for only the MOR Zoning District? Ms. Tyler responded that staff rewrote the current public hearing broadly to pertain to the MOR Zoning District. So, some of the changes that pertain to other districts were not included. If the Plan Commission or the City Council sees another regulation that should be modified only for this district, then it could be done as part of this current case.

Mr. Pollock commented that part of the problem with the Development Review Board was that it required a unanimous vote when a case is brought. Staff was talking about the recommendation going to a majority vote with a different makeup of the Board’s members. He inquired if there had been a case in the past, where the case had been denied because the vote was not unanimous? Rob Kowalski, Planning Manger, answered saying that the original proposal for 611 West Green Street was denied by a 4-1 vote. Ms. Stake stated that she had real reservations about three people, who have been appointed and not elected, deciding what happens. She did not feel that would be very good. There should be more than 3 yes votes to require approval of a case or else have the Development Review Board forward cases to the City Council with recommendations for approval or denial.

Rich Cahill, of 307 South Orchard, lives adjacent to the MOR Zoning District. He thanked staff for a very thorough change in the ordinance. He believed that the Plan Commission needed to spend some time during this meeting to read it. He gave staff credit for taking input from the public and the Historic Preservation Commission and including 90% in the proposed amendment.

He clarified that the first case to be denied involved the Ricker being torn down, and the Development Review Board denied the case. The Barr redevelopment was denied due to lack of a unanimous vote as well.

He talked about some of the proposed changes. He felt that it would be unrealistic to expect developers to build underground parking for all new multi-family structures. The proposed makeup of the Development Review Board was very good. It would allow more public input. A simple majority versus a super majority vote would be fine with a group of only five people. However, the City would need to make sure that the quorum was at least three members.

Regarding other issues, Mr. Cahill said that he was glad to see that staff had brought up the adjustment to permit parking. He felt it was very important. The people on the south side of Green Street are not allowed to get a parking permit to park on High Street and Illinois Street. He was also glad to see staff address the issue of "what is a bedroom?" He agreed that the existing design criteria were tough. The Historic Preservation Commission reviewed them at their last meeting. Balconies end up hanging out the edge and do not quite fit into the square footprint, and as a result give developers a benefit of bigger space. Therefore, good design is very critical. Mr. Cahill encouraged this effort.

Steve Ross, of 609 West Green Street, echoed Mr. Cahill's comments in that staff had done a marvelous job in gathering input for the proposed text amendment. Regarding the composition of the Development Review Board, he felt it would be a vast improvement when staff would not be responsible for working with the developers, then being the judge and jury voting on a case.

He expressed a few concerns. Regarding Mr. White's question about what would happen if the City allowed a developer to build a single structure on two lots, Mr. Ross stated that from his experience, there would be bigger boxes. He felt that if developers could not do anything creative with the current limitations, then they would not do anything creative if those limitations were bigger. It would just mean a bigger box.

With reference to the Purpose, he noticed that staff had reduced it from two paragraphs to one. The things that had been removed were the things about the impact of structures on the neighboring properties. Not that the presence of that statement helped him any in his effort to keep inappropriate buildings from being built next to his house, the fact that the statement would be removed would have negative impact. He viewed that as a step backwards.

On Page 4 of the Proposed Zoning Ordinance Text Amendment, he recommended that the Development Review Board would have access to a surveyor's plat of survey, because adjacent property owners might disagree with the plat of surveyor. On Page 6, lists the design criteria. He believed that the original 13 design criteria were quite clear, and he did not have a problem following them. He thought the 13 design criteria were being replaced with references to the Urbana Zoning Ordinance. He stated that most of them are pointing elsewhere, which makes it hard to judge whether they are good criteria.

Mr. Ross commented on the fact that the design guidelines were not yet available. They are half of the changes being proposed. He understood that it took time, but it makes him uneasy that there are not any at all.

On Page 6, regarding engineering and drainage, he felt it was written from the perspective that there would still be City staff on the Development Review Board. When talking about

overburdening of existing streets, utilities, sewers and public facilities, he believed that any of the recommended members of the Development Review Board would have a hard time making a judgment about these things.

Lisa Treull, of 714 West Iowa Street, thanked staff for the wonderful job that they had done. However, she did not feel that the proposed text amendment would be enough to really preserve and save the character of the neighborhood in the MOR Zoning District. She hoped that she was wrong and in 20 years, there was not a wall of apartment buildings going down Green Street.

She was also concerned that there did not seem to be anything about the demolition of smaller homes for parking lots included in the proposed text amendment. She understood that the parking issue is a very complex issue, and the Presbyterian Church has huge parking needs. She only hoped that, if the City does not address some of the things that had been mentioned such as design criteria, parking issues, square footage, and the possibility of looking at down zoning, the City did not end up with a combination of parking lots and box apartment buildings in the MOR Zoning District.

Ms. Treull felt that the City needed to find out why the intent of the MOR Zoning District has not worked so far? Why has not the City of Urbana been able to attract the boutique-style type of businesses to Green Street and Elm Street? Why has not the City been able to encourage adaptive reuse of the existing buildings? For those people who are saying that it would be cost prohibitive to redevelop with underground parking, she remarked that she wants underground parking, because she does not want to see parking when going down Green Street. If the City of Urbana cannot offer incentives to redevelop the MOR Zoning District in the way that is desired, then let's offer disincentives to make demolishing interesting structures to build box apartment buildings. Most importantly, why do we make single-family homes so attractive to investment properties? It poses a threat to this residential neighborhood. Why have these stately older homes been allowed to dilapidate beyond repair, thus justifying the economic hardship for rehab?

She felt that there were some bigger issues beyond this ordinance change. If we really do care about the City, then she believed that we need to answer these questions and it warrants further studies. Ms. Stake agreed that the City had not done a very good job at making property owners repair the existing buildings. There should be some incentives in the City to encourage homeowners to maintain their homes. Also, she has seen a small single-family home with underground parking, but of course, they only needed one car. Ms. Treull noted that San Francisco was famous for having underground parking for single-family residences.

Linda Lorenz, of 409 West High Street, agreed with many of Ms. Treull's comments. When discussing demolition of these homes, there was nothing about the fact that property owners let the homes dilapidate. They intentionally neglect them, so that the buildings can be torn down and the property owners can build boxes.

She mentioned that she was having trouble understanding the relationship between the design criteria and parking and ugly lots with cars all over the place and the effect it has on the next couple of streets over. There was something that did not fit in with the increase in density in

these areas with what is going to happen to High Street, and has already happened to portions of Elm Street. The City keeps allowing variances and keep nipping at this until there will not be anything left. There has to be a stand taken, because the people who live in the neighborhood love living in this neighborhood, love their older homes, and love being able to walk to the University of Illinois campus. She did not understand why the City was not protecting this neighborhood.

George Gore, of 702 West Washington Street, mentioned that he was a member of an organization that owns a house at 505 West Green Street, which is cooperative housing. After hearing all the concerns about parking, he felt the need to say that housing coops offer a way of maintaining the old existing structures, as well as increase the density without the additional cars. In addition, they tend to be more stable in terms of neighbors. Because it is not a rooming house, they all know each other and work together. The house that he current is a member of was in the process of completely replacing the HVAC system, and they have just finished replacing the water heater. It is a 90+-year-old house, and they are upgrading it. There is a national organization that maintains a maintenance budget for them. This may be something that may help out in terms of keeping some of the large, older houses. The national organization was considering another house in this region. The local organization was also looking at buying a house on its own. They add value to the tax base, because they have 16 residents packed into a relatively small space, which is a fair amount of rent. The property value had increased in that regards. The one problem that might apply was that there were very limited number of houses that qualify for a coop. The difference between a coop and a rooming house was that with a rooming house there was no effort to maintain and develop the building. He has requested that the City protects the trees, because they are the distinguishing feature of the City of Urbana.

Mr. Alix asked how many bedrooms were in the Green Street coop? Mr. Gore replied that there were currently 14 bedrooms.

Mr. Alix questioned what kind of parking was provided on the lot? Mr. Gore answered by saying that there were about 7 parking spaces on the property. He added that the organization was a non-profit 501C7 social organization. Mr. Alix inquired if those parking spaces were already there when the home was bought? Mr. Gore commented that he had only been involved with the organization for the last two years, and the parking spaces were already there.

Mr. Alix asked if the organization finds it difficult to attract people to live in the coop due to the lack of available parking? Mr. Gore replied no. In fact, in the house that he currently lives in, less than half actually own vehicles. Mr. Alix questioned if any of the residents have purchased a permit from the City of Urbana? Mr. Gore replied yes, 3-4 residents have permits.

Mr. Hopkins asked what the name of the national organization was? Mr. Gore responded by saying NASCO Properties.

Ms. Stake questioned where they put 7 cars? Do they take up the whole back yard? Mr. Gore stated that there were two parking spaces at the house. There is almost always a space to park on the street. Two people rent spaces further away.

Emily Talen, of 408 West Nevada Street, mentioned that CIVITAS design center had received a small grant from the University of Illinois to setup a downtown location in the City of Urbana to provide design assistance to the local community. She felt the issue with the MOR Zoning District fit in perfectly with the goals of the CIVITAS design center. Their whole reason for being is to promote good design in the community. They want to help and assist in making sure that the design guideline process flows smoothly. There will be a couple of students working with Ms. Tyler and who will be helping in this effort. She remarked that they are working as hard and as fast as they can; however, this is not an overnight process. Neither is it a rather long, drawn out process, because there are so many communities wrestling with the exact same issues. It was a matter of pulling together the information and putting it before the community.

Mr. Alix inquired whether it was appropriate or not for design guidelines to include more architectural styles as opposed to something more general like architectural details? Ms. Talen noted that generally style was handled with things like massing, scale, relationship to the street, window to hard surface ratios, etc. She would not recommend that the City get into stylistic preference. There are ways to get at that without dictating style.

Ms. Tyler talked about the issue of property maintenance. She noted that it was an area that was dealt with in the Community Development Services Department. Staff has a Property Maintenance Code, which staff tries to uphold. The City was trying to do a better job at doing so by reorganizing somewhat and have new staff. One of the inspectors was wholly dedicated to existing housing. The Housing Inspector inspects complaints by tenants, inspects all Certified Housing at the University of Illinois, inspects properties owned by Carle Foundation, and inspects sororities and fraternities. He has started a new round of systematic inspections for rental housing of three units and up. He works closely with the City Attorney. If there is a problem with a property and they get no response, then it quickly goes to court, which many times can be prolonged. The Housing Inspector also deals with properties that are vacant.

In looking at how property maintenance was maintained, there were different degrees. The City of Urbana has not dictated when people need to paint for example. We are not that type of community. One reason being that there are many elderly property owners, who are not able to keep up with the maintenance on their homes. The downside to this is that there are properties that are really blighting the whole area. The City was beginning to take a stronger look at those incidences. It was true that the City had some property owners, who have investment properties, which are not keeping up with the properties as much as they could be doing. This was a big issue.

Mr. Kowalski responded to some questions about the review criteria. In the existing ordinance, there were 13 review criteria. In the proposed amendment to the ordinance, staff narrowed them down to 5 or 6. He mentioned that most of the 13 review criteria are included in the proposed 5 or 6. Many of the original 13 review criteria overlapped, and staff tried to make them easier to grasp. He added that with the new composition of the Development Review Board, staff would be able to present a staff report to the Development Review Board as they do with the other commissions and board. They would include any technical advice needed regarding drainage and utility issues.

He talked about the Purpose of the MOR Zoning District. Staff tried to shorten it up a little bit, not for the purpose of trying to take anything away from it, but to make it a little clearer.

He addressed the concern of homes being torn down to make parking lots. He informed the Plan Commission and the public that a principal use parking lot in the MOR Zoning District would be allowed only by a Special Use Permit. If a developer/property owner did have such a proposal, then it would be reviewed by the Plan Commission and by the City Council.

Mr. Pollock inquired if the existing parking lots in the MOR Zoning District had been done through a Special Use Permit? Mr. Kowalski stated that have been built are accessory to existing uses. Mr. Pollock asked if that meant if a developer/property owner owns an apartment building and needs an additional parking area, then they could buy a lot adjacent to their building and they could construct a parking lot without a Special Use Permit? Mr. Kowalski replied yes. Mr. Pollock questioned if the ability for a developer or property owner to do that could be abrogated in the MOR Zoning District if the City Council decided that was an appropriate thing to do? Could the City Council change that regulation so that any parking including accessory uses would be by Special Use Permit? Ms. Tyler answered that by the way the proposed amendment was written, it would go before the Development Review Board. Renovations that are visible from the exterior, like additions and new construction. Actually new construction specifies parking lots, so staff could interpret that to include accessory parking lots and bring it to the Development Review Board. Mr. Pollock clarified that the intent of the redesign of the MOR Zoning District would remove the ability of somebody to build a parking lot as an accessory use without some review.

Mr. Hopkins felt that it would be better for the Plan Commission to go through the Proposed Zoning Ordinance Text Amendment and discuss it rather than to wait until the next meeting, because there was a tremendous amount to talk about. Ms. Tyler mentioned that if there were anything that the Plan Commission had for staff to research, then now would be the time to let them know.

Mr. Hopkins led the Plan Commission through the document, and they stopped to discuss the following:

➤ Section IV-2.1 Purpose of Districts

The MOR, Mixed-Office Residential District is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The adaptive re-use of existing, older structures is encouraged in order to promote their economic viability and to preserve and extend the useful life of such structures. New construction shall be designed and constructed in a manner that best preserves the character of the district.

Mr. Hopkins questioned if the wording in the last line, which states “...in a manner that best preserves...” implied that there was not a single-overriding objective of preservation? That was not clear to him that was the intent. The wording seemed to him to be problematic. Mr. Pollock

stated that his recollection of the case when the MOR Zoning District was proposed was that if preservation was not the major, then it was one of the very major reasons for the reason for this district being put together. It was preservation of the older housing stock in a way that would not curtail all new development and would reuse those structures as the City could find a way to encourage it. Ms. Tyler added that it was talking about new construction. Maybe it would be better to read as such, *“New construction shall be designed and constructed in a manner that promotes compatibility with the character of the district.”*

➤ Section V-8.B Additional Use Regulations in the MOR District

No changes in existing land uses or proposed new land uses and/or structures may be implemented except after review and approval by the Development Review Board in accordance with the provisions of the Board as specified in Section XI-12.

➤ Section XI-12.A.2 Development Review Board – Creation and Purpose

The Development Review Board is created for the purpose of reviewing and approving or disapproving all development plans for changes to uses in existing structures, for additions for exterior remodeling of existing structures, and for construction of new structures and parking areas in the MOR District.

Mr. Hopkins did not feel that the wording said what they wanted it to say. He believed that the wording in Section XI-12.A.2 said what was intended to be the same thing, only more clearly.

➤ Section XI-12.A.4 and 5 Development Review Board – Creation and Purpose

4. The Development Review Board shall be responsible for reviewing and issuing conditional use permits in the MOR District in place of the Zoning Board of Appeals subject to the provisions and review criteria set forth in Section VII-1, VII-2, and VII-3; and for reviewing and issuing minor variances in place of the Zoning Board of Appeals subject to the provisions and review criteria set forth in Section XI-3.

5. The Development Review Board shall be responsible for reviewing and issuing recommendations on special use permits in the MOR District in place of the Plan Commission subject to the provisions and review criteria set forth in Section VII-1, VII-6, VII-7; and for reviewing and issuing recommendations on major variances in place of the Zoning Board of Appeals subject to the provisions and review criteria set forth in Section XI-3.

Mr. Hopkins understood the idea of simultaneous submission to simplify things and of fewer review bodies, but he felt this would raise the question of fairness and consistency of treatment if in part of the City, someone could get a Special Use Permit under criteria that applies to everyone, but under a different board, essentially localized to a certain set of interests rather than a city-wide set of interests. He believed that they should think very carefully about options of

giving that authority to a Development Review Board. Mr. Pollock noted that he shared this concern.

Mr. Alix mentioned that he had similar concerns as well. He felt that this would create an inconsistency between the MOR Zoning District and the rest of the City, which was not limited to the issue of Special Use Permits. He was concerned that the City would be creating this enclave that has its own Plan Commission and Zoning Board of Appeals and would be the only place in the City where design criteria would be enforced. There were other neighborhoods in the City that have architectural or neighborhood character that were worth preserving.

He felt that the City needed to be careful about creating inconsistencies and creating more confusion by having different jurisdiction issues based on which side of the street a person lives on governs which board that person would go to for a Special Use Permit. He was not sure that would be an improvement. Ms. Upah-Bant agreed.

Mr. Alix suggested that the City maybe consider, in addition to the idea of simultaneous submission, some required communication between the various boards. For example, a right of protest that could be raised by the Development Review Board, or something along those lines that would offer some influence over the decision at the City Council level without fully removing that from the purview of the Plan Commission. Mr. Pollock commented that was an option that could be looked at; however, the City needs to be careful that we do not create more of a morass and slow things down further. Mr. Alix agreed, and he applauded the City staff for the idea, which was intended to provide consistency in terms of the way the neighborhood develops.

Ms. Stake preferred that the Development Review Board be advisory to the City Council, and that the City Council would make the final decision. She did not believe that a quorum of 3 people should be making those decisions. The City Council is the body that is responsible to the people. They have been elected, whereas the Development Review Board would be appointed the same as the Plan Commission.

➤ Section XI-12.B.3 Development Review Board – Powers and Duties

The Development Review Board shall recommend prospective Development Review Board members to the Mayor in order to fill vacancies on the Board.

Mr. Hopkins read this literally to mean that it would be an action of the Development Review Board to nominate, vote on and recommend to the Mayor nominees to the Board. He would find this a surprising operation.

➤ Section XII-12.C Development Review Board – Membership

Mr. Hopkins noted that the membership was described as being five distinct members; however, the categories of membership are not mutually exclusive. First of all, instead of saying “a representative”, it should say “a member” for both Section XII-12.C.1.a and b, because a representative could mean anybody.

If these are not mutually exclusive, do we mean to imply that neither the Plan Commission member nor the Historic Preservation Commission member could be a licensed architect? Do we mean to imply that a licensed architect could not be either of the Commission members? Ms. Tyler replied that there was not any inference there at all.

Mr. Hopkins stated that it then gets interesting trying to construct this board and what its membership would be. Because if it was intended to be representative by this distribution, then would the owner in the MOR Zoning District, by definition, not a single-family residence owner, because there would also be a resident on the Board as well. Therefore, the property owner would be intended to represent the non-residential investment owners in the MOR District in order to get representation. Or could there be two citizens living within the MOR District serve on the Board? There was a whole set of questions here about how the Development Review Board would actually be constructed based on the proposed criteria and whether we need to set a set of criteria that would prevent dominance of the Board by one group. If that was what the intent was, he was not sure the proposed criteria would accomplish that.

Ms. Tyler commented that the presumption was that the Mayor would appoint a non-resident property owner. The citizen could be someone living in a rental property as well. Mr. Pollock stated that this was an interesting conundrum, and he felt that these were good questions, because they needed to pin this down before submitting the proposed text amendment to the City Council. Ms. Tyler explained that the reason why staff did not specify that was because there may be some discretion by the Mayor and the City Council for representation.

Mr. Hopkins remarked that there two ways to leave it free. One way was to list a set of categorical persons. The second is to set a set of criteria for the Board. It might be more instructive to the Mayor in making the intended kinds of appointments than this particular list.

Mr. Alix noted that there would not be any representation of business owners in the MOR Zoning District on the Development Review Board. He agreed with Mr. Hopkins. He explained that a statement of intent might be more useful than a punch list to basically indicate that the Mayor should appoint members so as to represent each of the major categories of uses envisioned for the District; those being single-family residential, multiple family residential, business, and others as appropriate. Whether the statement was in conjunction with or in lieu of the proposed list, it might give the Mayor more guidance as to why these people are on the list and why he is suppose to appoint the people he was suppose to appoint.

Ms. Stake believed that since there were so many different people involved in the MOR Zoning District, there should be nine members rather than five. That way we could have more people on the Development Review Board to represent the different interests.

Ms. Goscha noticed that the one component missing was a developer. She felt that developers should be represented, because they do show a totally different perspective in this area, and their voices need to be heard.

Mr. Hopkins mentioned that another issue on the makeup of the Development Review Board was that there were several years between cases in the past. A hypothetical situation might be as follows: Imagine creating a Development Review Board that has one case early in its appointment, then has no activity for five years. As five members or more are required to meet within fifteen days with a quorum of at least three members, supported by a staff person with secretarial duties (staff planner) (who was probably new), he was imaging potential difficulties in the fifteen day deadline. This suggests to him that there are other things to think about of how this could function. Maybe they were constructing something for such an irregular pattern of cases, that they may have built something that was not actually sustainable.

Ms. Stake suggested having more members. It would at least help some. Mr. Hopkins stated that would be one way to do it by having nine members with a quorum of five. Staff might be more likely to put together a meeting.

Mr. Alix hoped that if the City were to identify other neighborhoods or zoning districts that were deemed worthy of protection comparable to that being proposed for the MOR Zoning District that the review process described here would be used as a template for those other districts and neighborhoods. That raised the question of whether the City of Urbana in twenty-five years from now, might have six or seven Development Review Boards for different neighborhoods or whether there was a way that this could be done in more of an administrative manner that would be more scalable. Mr. Pollock stated that therein lies the problem, which was finding a balance between what we currently have and something that would function better.

Ms. Tyler stated that many communities have design review boards for everything. That would be a huge jump for the City of Urbana. In the Downtown to Campus Plan and in the Zoning Ordinance, it states that this is a special area that is worthy of special review. If there were other areas that were found to be special in the same way, then the same structure could work. Mr. Alix meant to say that instead of creating the Development Review Board on a zoning district basis, maybe the City should look at creating perhaps more of a citywide Development Review Board, even if its initial duties were limited to the MOR Zoning District. The City might want to decide to design this with a broader brush that would work citywide. It might pave the way for giving the City more flexibility in the future to adopt design review in other sensitive districts and at the same time, set the Board up to have more business so they would meet more frequently and suffer fewer of the inactivity problems that Mr. Hopkins had brought up.

Ms. Tyler believed that this could be a generic template. She mentioned that the City has several boards and commissions. There is a Building Code of Appeals that she believed had never met; however, the membership and procedures are kept up. Should they need to meet, she felt that it would not be a problem. Having a small membership helps in that case for these boards. The more members, then the harder it is to get a quorum. She felt that procedurally, staff would be up to the task of a commission that meets less frequently. It was important to have everything codified.

Ms. Stake inquired about what review boards were Ms. Tyler aware of or familiar with? And in what cities? What was their relation to the Plan Commission? Ms. Tyler replied that most of her experience in California was very prevalent. They were really on top of what their Plan

Commission did. Review boards provided another level of review. Planning practices in other locations can be quite different from how we practice it here in the City of Urbana. It was just a different approach to look at the same projects, and it would probably be advisory to the town board or City Council.

Mr. Kowalski thought it was more common to have a design review board that has an overlay district for an area and not a specific zoning district. His experience in Louisville, Kentucky was that there was a design board for the Barge Town Road Corridor. So, if something was proposed on that corridor and was permitted by right, then only the Design Review Board was involved to see how it was designed and how it would be constructed. If something was permitted with a Special Use Permit, then the Design Review Board did their review, the Plan Commission did their review, and the City Council did their review. He felt that the City of Urbana was a little unique that they were tailoring a Development Review Board for a specific district and not necessarily an area.

➤ Section XI-12.E.3 Development Review Board - Meetings

In the event of a Development Review Board member's abstention, which shall only be for purposes of an asserted conflict of interest, then such vote shall be recorded as an abstention, but the Chair of the Development Review Board shall rule that such vote goes with the majority of those votes actually cast.

Mr. Hopkins suggested using the word "recusal" rather than the word "abstention", because it really means specifically that a member would not be able to vote due to a conflict of interest. There would be a five-member board. If one of the members recuses him or herself, then there could be a 2-2 vote. The proposed mechanism of resolution does not resolve this situation. Ms. Tyler noted that staff was going to get more legal guidance on this. Mr. Alix suggested a good solution might be that if the City was going to define what roles were going to be on the Development Review Board, then it might be appropriate to require the Mayor to appoint a temporary replacement to fill the appropriate role. He did not feel that it would be fair if because the architect, for example, had a conflict with interest, that there would not be any input from any architect. Mr. Pollock commented that the City would need to have an alternate for each one of the positions.

➤ Section XI-12.F.2.k Development Review Board – Application and Development Plan Submittal Requirements

Development Plans must contain the location of existing vegetation and proposed landscaping.

Mr. Hopkins questioned what constitutes a development or a change? If a single-family homeowner wanted to change the landscaping on his property, such as planting a tree or changing the shrubbery, then would that have to come before the Development Review Board? Ms. Tyler explained that this was covered under Section XI-12.A.2, which reads as follows: *The Development Review Board is created for the purpose of reviewing and approving or disapproving all development plans for changes to uses in existing structures, for additions for*

exterior remodeling of existing structures, and for construction of new structures and parking areas in the MOR Zoning District. Mr. Hopkins responded that if in the criteria and the submission requirements it includes landscaping, then he would infer from that planting a tree would be considered a change, and the change would have to be stuck to after they are approved. He did not think that the City would want to mean that.

Mr. White asked if existing vegetation included dandelion grass, hostas, etc.? It should probably read to say shade trees that are 3” or 5” or greater. He mentioned that he also did not know what was considered a “mature tree”. Ms. Tyler reminded the Plan Commission that the Special Use Permits that they recommend for approval could have landscaping. Developers and/or property owners need to show their intent to landscape by providing a landscape plan. However, as the plants and trees grow, it would not revoke the Special Use Permit.

- Section XI-12.F.3 Development Review Board – Application and Development Plan Submittal Requirements

Site Plans shall be submitted at a graphic scale of no less than one inch per one-hundred feet.

Mr. Hopkins did not feel that the scale of one inch per one-hundred feet would be adequate.

- Section XI-12.G.5 Development Review Board – Development Review Board Review Procedures

Development plan approval is also required for all requests for conditional uses and special uses in the MOR District. Review of conditional uses and special uses by the Development Review Board shall be coordinated to allow for simultaneous review with the development plan, if so desired by the applicant. The approved development plan becomes the official plan for the property and is the final site plan submitted with a request for a building permit in the MOR District. The physical development and continued use of the property shall be in strict conformance with the approved development plan.

Mr. Hopkins inquired what the last line of that really means? He believed that the Special Use Permit precedent was a good one. Once they have design guidelines, which there are not currently any for a Special Use Permit, that the Development Review Board could apply to the site plan including the placement of trash, etc., then “strict conformance” becomes worthy of interpretation.

- Section XI-12.H.1 Development Review Board – Development Plan Review Criteria – Land Use and Development Regulations

Proposed development plans shall demonstrate compliance with the land use and development requirements of the Urbana Zoning Ordinance.

Mr. Hopkins understood that the Development Review Board would review a change of use whether or not there was a change in structure. If there was a change of use, then it was less clear to him what the Development Review Board would be reviewing. What constitutes a change of use? When does a conversion among categories of dwelling unit type, many of which are allowed in this district, require a change of use requiring a New Occupancy Permit? Ms. Tyler answered that it could be a change in the Table of Uses or a change in ownership. Mr. Hopkins replied that his impression was that in practice that the City does not actually administratively monitor change in use. When there is a change in ownership and when there is a certain visibly questioned changes in use, then the City may get interested. In many cases, the City did not even keep track, and yet the proposed amendment was defining the Development Review Board as having responsibility to review any change in use. Was changing from a single-family dwelling to a single-family group extended considered a change in use? Ms. Tyler stated that from a Building Code perspective it probably was, and it would need a Certificate of Occupancy. Then, the Building Inspector would notice that it was within the MOR Zoning District, and it would need to go before the Development Review Board.

Mr. Hopkins asked what the Development Review Board would do with it? Maybe a change of use should not go before the Development Review Board or if they do, then they go with a different set of information.

Mr. Alix mentioned the case where a church wanted to use a house as an office. He asked if a similar future case would need to provide a site plan and architectural drawings of the house for the Development Review Board, when the Development Review Board could just go look at the house? If the petitioner, in the hypothetical case, were not making any changes to the house, then they would just be asking for a Special Use Permit to request permission to use the existing house as something other than for residential use. He did not know if it would be worth the effort of the Development Review Board to enlist the services of an architect to determine whether the existing house was appropriate with the character of the neighborhood. Ms. Tyler commented that this was inherited language, and that maybe it should be changed or modified, but when you look at the creation and purpose, it talks about for additions and for exterior remodeling of existing structures. So, if the change in use and interior remodeling does it, then there may not be much for the Development Review Board to review. There must be a reason why it says that the Development Review Board would review development plans when there are additions for exterior remodeling of existing structures. If it was something that changed the appearance of the outside would really the operative change. Mr. Alix noted that Section XI-12.G.5 was in direct conflict with that. Mr. Hopkins stated that it was the same for the initial statement of the Responsibilities of the Development Review Board.

Ms. Tyler stated that in Section XI-12.G.5 was where the City was trying to endow the Development Review Board with the ability to grant Conditional Use Permits and Special Use Permits at the same time. It may be that Development Review Board approval was meant here, rather than Development Plan approval. Staff will look into this. There seemed that the previous intent was that the Development Review Board was to look at projects when they had a change that was visible from the exterior, but the proposed amendment says a change in use. There can be a change of use that would be invisible to the outside of the structure.

Mr. Hopkins commented that two of the most obvious things that change of use would affect are parking and traffic. If that was the issue, then he felt that they needed to be more specific in the wording in the proposed amendment. Mr. Kowalski added that there were others as well that may not always relate to the physical look of the building or the parking lot and how many spaces, but what the business was to be and how it would be used. If it was going to have outdoor seating and may require the need for a little more buffering to the adjacent property, because there may be some noise issue, then that would be a use of the property issue as well, and it would need to be looked at. It might not be something that would be represented on a site plan, but it could be something that the Development Review Board looked at.

Mr. Hopkins stated several of the design criteria are already being done administratively for everywhere else in the City. He did not understand why these responsibilities were being delegated to the Development Review Board. It seemed problematic to him both in delegating the expertise and in fairness and consistency. Ms. Tyler believed that staff was thinking in terms of the findings that the Development Review Board would need to make. Even though it seems that it goes without saying, it was always a good idea to make as a finding that there was demonstrative compliance with the regulations. Mr. Hopkins felt that since staff does that for everywhere else in the City, then it should be the staff's responsibility to make that finding in the MOR Zoning District as well. Ms. Tyler explained that staff would make recommendations in the same way they do for the Plan Commission and include their findings. Mr. Hopkins believed it to be different. The Development Review Board could be considering cases that would never come to the Plan Commission, because it was a use by right. There would be no Special Use Permit or Conditional Use Permit. At the moment, in those cases, conformance with the Zoning Ordinance is determined administratively. In this case, it would seem inappropriate to him to delegate in a part of the City that administrative function that works reasonably well to a Development Review Board.

Mr. Alix felt it raised a number of issues of consistency. If the City was essentially abrogating the role of the Zoning Administrator and issuing zoning interpretations, then the City could end up with a circumstance where there are clearly a lot of zoning interpretations that were issued that related to things that are not directly specified in the Zoning Ordinance. He was not sure if it was appropriate to have multiple parties constructing zoning interpretations in different zoning districts. Ms. Tyler replied that was not the intent at all. Staff would still do a staff review, whether it would be the Zoning Board that grants a final approval or the Plan Commission that does a recommendation, on whether staff believes it complies. It would then be confirmed by either the approving or recommending body. They did not mean to rely on the Development Review Board to do that analysis.

Mr. Alix inquired if a Conditional Use Permit would be done by the Development Review Board with the right to appeal to the Zoning Board of Appeals? Ms. Tyler replied yes. The thought was that all the final decisions of the Development Review Board would be appeal able to the Zoning Board of Appeals according to the proposed amendment. Mr. Alix asked if currently an appeal of a Special Use Permit would go to the Circuit Clerk? Ms. Tyler said yes. The City would like to have one level of City appeal.

Mr. Alix read into this an implied delegation of decision-making that would normally be done administratively to the Development Review Board. If that was not the intent, then it should be worded more clearly. Mr. Kowalski responded by saying that the first criterion was proposed the way it was because there were three or four of the existing designs criteria that simply site a similar requirement of the Zoning Ordinance. Mr. Alix pointed out that compliance was not an absolute, and it depended upon who was making the judgment of compliance. The first criterion does not make it clear whether the Development Review Board should apply this criterion by asking the Zoning Administrator to pass judgment on the plan or by taking it upon themselves to decide whether or not it met the Zoning Ordinance. Ms. Tyler remarked that staff was just thinking of the normal way of doing things. There was staff review, and hopefully it would be confirmed. Mr. Hopkins mentioned that if there were no Conditional Use Permit and no Special Use Permit, then this would not be the normal way of doing things. Currently anywhere but in the MOR Zoning District, the determination of compliance with the Zoning Ordinance, it was determined administratively. That should be true in the MOR Zoning District as well. The implication of the way this was written was that in the MOR Zoning District in contrast to everywhere else in the City, that a petitioner would have the opportunity to take the judgment of compliance with ordinances that apply to the whole city before the Development Review Board. Ms. Tyler stated that staff would take a look at the language in the proposed amendment. Mr. Alix suggested that it might not be appropriate for the Development Review Board to be assigned responsibilities for things that are already handled administratively.

- Section XI-12.H.7 Development Review Board – Development Plan Review Criteria – Design Guidelines

The Development Review Board shall consider the architectural style, appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in XI-12.J.

Mr. Hopkins recommended deleting the words “architectural style” from the paragraph.

- Section XI-12.I.1 Development Review Board – Adjustments to Existing Codes and Regulations

In order to encourage the compatible re-use of existing structures in accordance with the purpose and objectives of the MOR District, the Development Review Board is hereby authorized to approve adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code in accordance with the provisions of Section XI-12. The Development Review Board may authorize adjustments only when changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing structures is proposed. The purpose of this provision is to provide an incentive to re-use the existing structures, to provide flexibility in meeting the City’s requirements in using existing structures, and to preserve the overall character of the MOR District. Construction of new buildings shall conform to all requirements of the

Urbana Zoning Ordinance and Urbana City Code unless a variance is granted by the Development Review Board or Urbana City Council in accordance with Section XI-3.C.

- Section XI-12.I.2 Development Review Board – Adjustments to Existing Codes and Regulations

In accordance with the purposes of the Zoning Ordinance, the Development Review Board is hereby authorized to make minimum adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District that are consistent with the purposes of the MOR District:

- a. Section VIII-2, Design and Specifications of Off-Street Parking;*
- b. Section VIII-3, Location of Parking Facilities;*
- c. Section VIII-4, Amount of Parking Required; except that no adjustment in excess of 25% of the full parking requirements may be approved by the Development Review Board and no adjustment of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;*
- d. Section VIII-5, Off-Street Loading Regulations;*
- e. Article VI, Development Regulations; except that the Development Review Board is authorized to approve only the development plan adjustments listed in Section XI-3-C(2)(c) (i.e., for minor variations) and no others; and*
- f. Chapter 7 of the City Code, Fences.*

Mr. Hopkins interpreted Section XI-12.I.1 to mean that the Development Review Board could consider and authorize adjustments only for the modification of existing structures and not related to new structures. Mr. Kowalski replied that was true. Mr. Hopkins then interpreted Section XI-12.I.2 to apply only to existing structures. He felt this could be clearer.

Mr. Alix commented on the adaptive reuse. He could not see anything in the proposed amendment that encouraged adaptive reuse. Things he considered to encourage adaptive reuse were relaxed parking requirements, code modifications or code relief, tax abatements, availability to rehabilitation grants or loan guarantees for rehabilitating existing buildings. The fact that very little adaptive reuse had taken place in this zoning district since its inception for reasons including the fact that the parking requirements alone make it very difficult to reuse single-family homes as offices or small businesses. The only claim that was made was that the MOR Zoning District offers flexibility for adaptive reuse; however, the only examples of flexibility he could find were things that were pretty commonplace elsewhere in the City by way of variances and so forth. He was not sure that it was disingenuous to say that this promotes adaptive reuse in any way that adaptive reuse was not already promoted elsewhere in the City. Since the Ordinance does not really do anything to encourage adaptive reuse, then the City should down play it in the text. Ms. Tyler stated that it was suppose to give the Development Review Board the ability to make adjustments when it was non-residential and an adaptive reuse to really reduce the requirements of parking and loading.

Mr. Alix asked if he were a developer or a business owner and brought in a plan to do adaptive reuse in a house across the street of the MOR Zoning District, then the City would provide avenues to do that with the Zoning Board of Appeals and City staff to get an administrative decision depending upon the magnitude of the adjustments? Ms. Tyler answered that he would be able to go to the Zoning Board of Appeals and request a variance. Currently in the MOR Zoning District, he would only go to the Development Review Board, and they would be able to make those adjustments. That flexibility was in the text amendment, it just had not been used very much or maybe it had not be advertised very much. The other things that Mr. Alix mentioned such as tax abatements, tax reliefs, loan guarantees, etc. would not be in the Zoning Ordinance, but they might be present elsewhere. It would be great to think of other zoning ideas to encourage this, but the Adjustments to Existing Codes and Regulations was the MOR's attempt to encourage that. Mr. Alix now understood where the claim for support for adaptive reuse comes from. He felt that the City had been quite responsive to property owners throughout the City who had done responsible reuse of properties. However, he felt that adaptive reuse was over-emphasized in the Intent statement and in the memo for the amount of encouragement that was actually provided in the text of the ordinance.

Ms. Stake asked if there was a definition in the Zoning Ordinance for the wording "minimum adjustment or modifications" for off-street parking? Mr. Kowalski replied that Section VIII-2 of the Zoning Ordinance deals with how a parking lot could be designed, what type of materials would be needed for the pavement, aisle widths and access widths. Ms. Stake asked if it made a distinction between what was minimum and what was not? Ms. Tyler stated that it was not defined, but she believed that it was the same use of "minimum" as found in variances. A petitioner would not ask for more than they would minimally need. She said that it needed to be clarified.

Mr. Hopkins felt that one thing the City needed to keep in mind was that ordinances get passed by coalitions. The City Council may favor them for different reasons. This ordinance actually has two coalitions backing it. The coalitions are made up of two groups that actually disagree on the fundamental intent. One group is interested in easing the process of reuse by easing the process of code compliance. The other group is interested in preserving residential. They have come together to create this ordinance and the Development Review Board. What we have done by redesigning the Development Review Board was change it from a set of five City staff, including the code compliance people. The intent being so that staff could meet with the developer and as a group work out a way to make it plausible to adapt and redesign a building by making concessions on things like code compliance for fire safety, code compliance for electrical, etc. We have now eliminated that group and that function and turned it into a citizen and design based external development review board to protect the external quality of what we have done. This is not surprising for two reasons. One reason is that we don't seem to have succeeded making the other one accomplish its other intent. The current political backing for our rediscovering this is from the other part of the coalition that passed this. What Mr. Alix was recognizing was that there was this one little piece that met the other intent other than best preserve. We are fundamentally taking it out. Staff should not do that without realizing it.

Ms. Stake asked if this group would not have all of that expertise available to them to make recommendations? Mr. Alix stated that they would not be making the same recommendation. If anything, we are probably making it more difficult for someone who wants to reuse one of the existing older homes as a business to get a Special Use Permit to do it, because the ordinance was written in such a way that the power was outside of those who want to keep it a residential neighborhood.

Ms. Stake assumed that the City would still be responsible for all the expertise in all the different areas. Mr. Pollock commented that the expertise would still be available, and he was hoping that it would be used, because it was clear that when the MOR Zoning District was passed, that adaptive reuse was the number one item in terms for motivation for doing it. It was to reuse the existing buildings to keep them from being torn down, and in that way to maintain the integrity and the residential nature of the neighborhood. In changing the makeup of the board, we have perhaps compromised some of the possibilities about how to make it easier for people to reuse those things. He did not feel the right way to go about it was to say that adaptive reuse was necessarily over-emphasized, because there was not enough in the proposed text amendment that would actually support it. He thought the case was how do you more things to support adaptive reuse? Even if it was outside the realm of what the Plan Commission was addressing in this case and what the charge was to staff, the Plan Commission and to the City Council, the Plan Commission could make recommendations outside the perimeters. He was going to try to think of ways to encourage reuse not only by looking at code issues and parking issues, but also looking at what incentives were available to try to help people to consider and agree to that type of adaptive reuse. Clearly, adaptive reuse has not been successful in how this ordinance has played out. If adaptive reuse was still one of the primary focuses of the MOR Zoning District, then the City needs to find ways to help this be successful.

Ms. Tyler commented that there was a lot of thought put into the original ordinance. She felt it was a very fine ordinance, and in many ways it worked well. By creating zoning opportunities does not in itself create a market. So people asking why the City had not done more boutiques? Well, the City was not in the business of establishing boutiques. However, the City would like to help people do that and not create obstacles. Mr. Pollock agreed that the City was not in the business of opening businesses in the MOR Zoning District; however, if the City wants adaptive reuse in this district, then the City needs to be in the business of making it easier for people to do that. Mr. Alix added that under the ordinance as written it would be more difficult to get permission to adaptively reuse a building. Mr. Pollock thought that may be possible, and that may be something that the City needed to think about as they worked their way through this.

Mr. White inquired if there currently was a project on hold? Mr. Kowalski replied no. There had not been anything submitted. Mr. White stated that there seemed to be a fair amount of work to be done on this. The design guidelines would not be finished in the next two weeks. He wondered if the Plan Commission should consider reviewing this in a month. Mr. Pollock stated that they run into the problem that they had been charged with looking at the issues in front of them and make recommendations to the City Council. The moratorium on development for the MOR Zoning District will expire soon. Staff had made provisions for getting through that period after the moratorium expires without the design criteria, but he did not feel that it would be good to put the final decision on the proposed text amendment off for that length of time. Mr.

Kowalski added that staff had allowed enough time for the Plan Commission to have two meetings to get a recommendation to the City Council before the moratorium expires on November 21, 2003. Mr. Pollock suggested that at this point, the Plan Commission consider what they had gone over at this meeting and wait for more public comment. Staff will clearly have a lot to talk about it. Ms. Tyler felt that this meeting had really been helpful in terms of what staff needed to do with word smithing. Staff should be okay to come back for something in the next meeting.

Ms. Tyler stated that the Plan Commission had talked about give and take and encouraging or dissuading development whether it was new development or adaptive reuse. She heard commissioners say that they were concerned about allowing the Development Review Board to do Special Use Permits and Conditional Use Permits. So, she posed the question as to what the Plan Commission thought about administrative review for adaptive reuse using the same conditions? Staff steered away from this idea in the proposed text amendment on the thought that design guidelines were so important that they wanted this special board with its expertise to look at reuse, but if the proposed text amendment was going to be discouraging the actual procedure, perhaps the City wants to look at retaining making it even easier to do adaptive reuse and do some administrative variances by giving back the Plan Commission back their Special Use Permit review. This could be another angle that staff could pursue and do some legal research. If the City really wants to preserve these structures, then let us make it easier. It is not easy for a petitioner to come before the Plan Commission or the Development Review Board, because they have to create all of these documents and wait. Sometimes it is a fearful process for petitioners.

Mr. Pollock responded by saying that was a creative way to think about this. It may give the City the ability to use the new Development Review Board for design review and still make it easier than it was under the old Development Review Board to look at those types of adaptive reuse issues. It would make it easier for people to consider coming in and doing that type of development. In fact, he would trust staff to look at code issues and approve what was safe. Perhaps through negotiation, agreement, and discussion of this with a potential developer, staff might make it a lot easier and a lot more attractive for people who may want to consider reusing some of these buildings. In that sense, the City could have it both ways. It was something to think about.

Ms. Tyler clarified that when she said “adaptive reuse”, she was thinking about commercial uses. Adaptive reuse could also mean residential. Mr. Alix stated that this went back to what he was saying at the previous meeting. He was trying to get a feeling for what it was that the City was really trying to preserve, whether it was structures or lifestyle or use. The first sentence of the new Purpose states as follows: *The MOR, Mixed-Office Residential District is intended to encourage a mixture of residential, office and small scale business land uses...* He felt that what Mr. Hopkins said about people with different goals, kind of compromising on a single ordinance, might have been accurate. It was skewed by the fact that the only development that we have only seen in this area has been high density residential. Typically, people would be saying that they do not want a business next to their homes; instead they are saying that they do not want apartment buildings next to their homes, but it would be okay to have businesses next to their homes. We have not had enough of the latter to get any guidance from the history of the

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district on this. Mr. Pollock agreed that they were hearing from people that a small boutique business would be fine as long as it was in a building that fits in with the neighborhood, was not intrusive, and was not built up to their property lines and was three stories high. Mr. Alix commented that that really argues in favor of the Development Review Board being limited to architecture and relieving code and uses and variances.

Chair Pollock mentioned that the case would remain open. The Plan Commission would reconvene in two weeks and would continue to take public comment.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

PRELIMINARY

DATE: October 23, 2003
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Christopher Alix, Alan Douglas, Laurie Goscha

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department; Rob Kowalski, Planning Manager; Teri Andel, Secretary

OTHERS PRESENT: Todd Bendor, Jason Brody, Rich Cahill, Liz Cardman, Rebecca Haughtalry, Linda Lorenz, Tim Macholl, Esther Patt, Steve Ross, Matt Saivie, Matt Taylor, Barry Weiner, Matt Wenger, Marisa Zapata

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:31 p.m., the roll call was taken, and a quorum was declared.

4. COMMUNICATIONS

Regarding the M.O.R., Mixed-Office Residential Zoning District:

- Email from Betsey and John Cronan
- Email from John and Helene Dickel
- Email from Ivan Jeanne Weiler
- Email from Kate Hunter

5. CONTINUED PUBLIC HEARINGS

Plan Case 1865-T-03: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to the Mixed Office Residential (MOR) District

Elizabeth Tyler, Director of Community Development Services Department, mentioned that she was going to summarize the proposed amendments or revisions that staff had incorporated since the last meeting of the Plan Commission. The major changes proposed by staff include the following:

1. **Purpose Statement** – Staff put some of the wording back into the purpose statement regarding the intent to protect the character of the district.
2. **Development Review Board Membership and Procedures** – After the discussion at the last Plan Commission meeting, staff modified it to propose that there be a seven-member board, thus adding two more members to represent the developers and the local business owners.
3. **Development Review Board Procedures** – This revision includes rules for quorum, voting, and abstention.
4. **Development Review Board Review of Conditional Uses, Special Uses, and Major Variances** – Staff pulled back from their original proposal that the Development Review Board be allowed to review conditional uses, special uses, and/or major variances to do with their cases. The Plan Commission at the previous meeting expressed concern that the City would be setting the MOR Zoning District apart from the other zoning districts more than necessary.
5. **Appeal of Development Review Board Decisions** – The intent of the current MOR Zoning District was to have the same appeal procedure that the City has for Zoning Administrator decisions. It is a good function for the Zoning Board of Appeals. Not only do they grant minor variances and conditional use permits, but they are an appeal body. In cases where a board makes a final decision, it was a good way to have an appeals process.
6. **Administrative Review of Adaptive Reuse Projects** – At the last meeting, there were several questions and discussion about what the City could do to encourage preservation of the older buildings in the MOR Zoning District. The Plan Commission had come up with the idea of allowing administrative review only for any adaptive reuse of the buildings with staff using the same criteria and design guidelines as the Development Review Board would use.
7. **Other Changes** – Staff had modified the submittal requirements list and the review criteria.

Ms. Tyler reviewed the summary of staff findings.

Rob Kowalski, Planning Manager, expanded on the concept of adaptive reuse projects not going through the Development Review Board. In the existing regulations, there was a section that allowed some minor adjustments that could be made to the codes if it was an adaptive reuse project. The Development Review Board was allowed to make those minor adjustments. Staff moved that along with the concept that an adaptive reuse project being reviewed by City staff. The Zoning Administrator, as proposed in this draft, would be permitted to make minor adjustments to the codes for parking facilities and loading regulations.

Barry Weiner, of Weiner Companies at 211 East Green Street, believed that there were more investment property owners than private owners in the MOR Zoning District. He talked about the MOR zone, what he had seen happen so far, and about some of his concerns.

Mr. Weiner noted that the MOR Zoning District was created in 1990, and it was a down zoning of the areas between campus and Downtown Urbana. He believed that the MOR Zoning District had noble intentions. He also believed that it was a terrible failure. The kinds of things that everyone hoped would happen along Green Street have not happened. Its limitations have made it almost impossible to develop or redevelop anything of quality within the zone.

He did not believe that this was a historic district, and it should not be treated as such. Architectural issues should be consistent with good design. He thought that the recurring furor with regards to the MOR Zoning District was ludicrous when considering that less than 10% of the properties in the zone were owner-occupied based upon the population of the zone. Everyone wants to micromanage the little created zone to suit his/her purpose.

The City of Urbana has a need to recognize reality in the market when they consider zoning and not only what they wish things to be. There are quite a number of properties in the zone that are economically and physically obsolete. The City needs to see those properties redeveloped. The balance of lovely older homes and well-kept properties would not be threatened by reasonable redevelopment. He felt it was important to remember that it was not the City's job to only serve those who can afford their own homes. We have to worry about the well being of all the citizens of the City of Urbana.

Mr. Weiner thought that in regards to some of the proposals being made, many of the lots in the MOR Zone were too narrow to allow major entrances towards the street in the event of redevelopment. Even though it was allowed under the Zoning Ordinance, changes are proposed. If one of those sites burns, then would the City allow the owner to use his/her land?

He believed that in an urban development that pedestrian traffic should be encouraged. However, the MOR Zoning District requires substantial amounts of parking. He also thought that the FAR requirements, parking, and front and side-yard setbacks did not allow for redevelopment of quality condominiums or row houses within the zone. He felt that condominiums and row houses would be appropriate uses of this corridor between Downtown Urbana and campus.

He noted that it was particularly because of the one lot requirement as to why quality developments could not be created. The limitations on square footage are a major problem to be able to do that type of development. It also precludes adaptive uses such as coffee shops and cafes, because the sites do not work. He did not believe it was possible for anyone to take any one of the sites as it actually sits, follow the requirements that have been and are being proposed, put in the required parking and be able to construct a building that would be economically viable. Mr. Weiner stated that the City and its residents were still talking about what they would like to see along there, and it would still not occur.

There is also the problem of the dilapidated homes in the zone. They are not going to get any better with the ways things are. In the minutes from the previous Plan Commission meeting, he read a comment Ms. Stake had said about the City providing incentives for redevelopment in the MOR Zoning District. He felt this was a valid issue, because when looking at what it would cost to adapt some of these properties to try to make them available for commercial usage, the buildings are not economically feasible.

The other thing he talked about was the multiple assemblages regarding the proposed higher FAR that would be available. He believed that the City should allow assemblages up to about 30,000 square feet with higher FARs. This would allow some quality condominium projects and row house projects. On a 10,000 square foot assemblage, a developer cannot build anything that would be economically viable. These types of development are not going to happen unless the City allows it to happen. The proposed amendment is not going to make it work.

Mr. Weiner was opposed to the rezoning of the eastern edge of the district. He believed staff was proposing this because the City fails to make the MOR Zoning District usable. The answer to the issue is within the zone. Allow assemblages within reason and do not change the rules for only a few districts.

As a realtor, from the corner of Wright and Green Streets, if you look seven blocks to the west towards the City of Champaign, land is worth \$38.00 per square foot. If you look east towards Downtown Urbana, land is worth about \$13.00 per square foot. Those issues affect our tax base as a city. He certainly does not advocate building the mid-rise buildings as seen on the Champaign side of Green Street, not by any means. However, he would like to see a beautifully, economically viable corridor existing between campus and Downtown Urbana. He said that if we are going to retain the MOR Zoning District, then let us make it something that we all can be proud of.

Ms. Stake inquired if Mr. Weiner owned any of the dilapidated old homes in the MOR Zoning District? Mr. Weiner replied no. However, he has a couple of properties that he believes are becoming economically not feasible. It costs so much to maintain them, that it does not make sense for anything. As a realtor, he has walked into some of the older homes in the City that are dilapidated on the inside, but look nice on the outside still. There are some places that truly will not make it. There are others that are lovely and people will want to rehab them and live in them.

He believed that with what was going on in the real estate market and in the community that all of West Urbana will become more owner-occupied again in the next decade. There will be fewer students there. The large high-risers that are being built in Champaign are what the students are looking for at this time. The market was changing very quickly, and we are starting to have equilibrium. There is vacancy in this community for the first time in many years. There is enough housing proposed to go up in the next couple of years to house about 1500 students. He believed that the City of Urbana was going to go through a tremendous transformation.

Mr. Weiner commented that he did not like the big boxy look of the apartment buildings either, but it was the only type of building that would work on these lots with the way that the MOR

Zoning District was setup. The other kinds of development that the City would like to see happen, cannot happen, because they cannot be economically viable.

Mr. White saw an advantage to developers being able to use multiple lots. He wondered if it would be feasible if the MOR Zoning District allowed for multiple lots to be used as long as those multiple lots were accompanied by underground parking? Would that be an incentive to build parking off the street? Mr. Weiner answered by saying that it would depend on what kind of FAR was involved and whether the numbers would work to justify the underground construction. If there were a little more height, then a developer could build a three story with an underground parking. There is an awful lot of good design out there. Would it be economically feasible here? Do we have a market here for that kind of property? He believed that the City of Urbana did have a market; however, we do not know yet because much of it has not been built.

Mr. Pollock asked how Mr. Weiner would encourage adaptive reuse in the MOR Zoning District? He noted that even in the proposed revision to the MOR Zoning District, adaptive reuse remains as a primary objective. Mr. Weiner responded by saying that the problem was that most of the properties probably could not be adaptively reused within the economic guidelines that would work. He mentioned that he has a property that he wanted to turn into a coffee shop. After running the figures to find how much it would cost, he found that it was not economically viable. He approached staff to inquire about any programs available to assist financially, and he was told that there were not any programs available.

Mr. Pollock questioned if there were programs, like the ones that the City has offered elsewhere, to encourage development by providing low interest financing and helping making up the difference, then would that make a difference? Mr. Weiner remarked that it might help some people. In his case, he can already borrow at very low interest rates. Mainly, he would like to know that the value was there when he was done rehabbing the existing structure.

Mr. Pollock inquired about what other kinds of incentives that were offered elsewhere that might encourage reuse in the MOR Zoning District? Mr. Weiner talked about Colorado Springs. He noted that he had a second office there for 22 years. He stated that in truth, economic factors made most of the development happen. There were not a lot of incentives. The market was ready for nice things to happen. In addition, he mentioned that it was very hard to deal with the Health Department and to meet the requirements for adapting something that was older.

Rich Cahill, of 307 South Orchard, showed pictures of the apartment building being built at 611 West Green Street. He did not see how underground parking could work on the lots in the MOR Zoning District. He also got to thinking about whether or not the previous cases regarding 605, 611, and 701 West Green Street would have been approved by the Development Review Board had the proposed revisions been in place. He did not know the answer.

As he walks down Elm Street, he still has a hard time envisioning some of the properties being redeveloped. Many of them are in poor condition. The residential neighborhood character of the 500 Block of Green Street on to the south has been replaced with parking lots. He had heard rumors that the Presbyterian Church was talking about major development on the 600 Block.

Steve Ross, of 609 West Green Street, did not agree with Mr. Weiner that bigger lots would make for more flexible development. Rather, he believed it would lead to bigger square boxes. 712 West Green Street is an example of what could be done with the same limitations that were currently in place. Therefore, development could be done meeting the current requirements.

As to buildings that need redevelopment, the point had been made during a Historic Preservation Commission meeting that any building needs maintenance, even the newest of buildings. If regular maintenance is not done, then buildings will degenerate. If a building is to the point of falling down, then the City needs to ask the owner why they allowed the building to come to that condition.

Mr. Ross believed that there was still value in the neighborhood that was worth preserving. He read an advertisement from the News-Gazette regarding the future 611 West Green Street apartments being for rent in a quiet, historic residential Urbana neighborhood. The irony was almost too much to see this ad advertising a location in a historic neighborhood where the previous older, historic home was demolished to make way for the apartment building. In any rate, people do recognize that it is a historic neighborhood and worth preserving.

He noted that he was a member of the First Presbyterian Church. The Presbyterian Church owns the property at 608 West Green Street, which is used by the Korean Church of Champaign-Urbana as an office. The Presbyterian Church was interested in demolishing the house and redeveloping the land.

Mr. Pollock inquired if Mr. Ross had taken a look at the revised draft of the proposed amendment? Is there value in what the City was trying to do in this neighborhood? Mr. Ross replied that unfortunately he had not had a chance to really look at it. Certainly, adding citizen participation to the Development Review Board was a step in the right direction. The other big part was Review Design Guidelines. Therefore, it was hard to make a decision on it.

Matt Taylor, of 612 West Green Street (also known as the Ricker House), was in support of the amendments as he had seen them thus far. He felt that they were a step in the right direction. He agrees with equal representation on the Development Review Board. In addition, he supported the incentives that the City was trying to incorporate for adaptive reuse as well.

Mr. Taylor expressed his concern with underground parking. He believed that they would create safety issues. The entrances to underground parking garages were usually right up next to the sidewalks. People existing the underground parking facilities drive fairly fast to make it up the incline and could endanger pedestrians walking on the sidewalks. The dwelling at 709 West Green Street has an underground facility and he has seen a few accident involving vehicles and pedestrians.

Mr. White asked how Mr. Taylor felt about the use of multiple lots if the architecture would fit? Mr. Taylor replied that it all depended on what was being proposed. He did not want to see dilapidated houses become hazards. If the multiple lots would help improve flexibility and economical viability of the lots, depending upon the proposal, then he might be for it. On the other hand, it could allow for larger apartment buildings like the one in the 500 Block. It is a

massive structure on about four lots. Mr. White did not believe that the Development Review Board or the proposed text amendments would allow that to happen in the future, even on multiple lots. Mr. Taylor hoped it would not.

Mr. Pollock inquired about the underground parking that would be allowed? Did staff specify where entrances might be for that? Was it required that entrances not be on the street? Did the only requirements insist that it be properly screened based on design review? Was it previously not allowed? Ms. Tyler stated that currently underground parking was not allowed in the MOR Zoning District. Staff thought in the first memorandum that with design review that properly designed parking below the structure, if screened and away from the street, could actually be a positive. It might be a way to provide a little more space and allow more design flexibility if a property owner had a lot that he/she could pull in away from the street and perhaps, have tenants park under the back part of the building, but it would have to be hidden, screened and landscaped. It was a concept that would require the design review to enforce and review on a case-by-case basis. It would be at grade, but it would not need to be completely submerged. However, it would need to be partially submerged and screened to avoid the building on stilts effect.

Mr. Pollock questioned what staff meant by “away from the street”? Ms. Tyler replied that the drive would need to be along the side of a proposed building with the parking behind the building. Mr. Pollock clarified that the entrance from the underground facility would not be facing the street or on the street. Ms. Tyler stated that was correct.

Regarding screening, Mr. Pollock inquired if that was a design criterion that would be further defined when staff comes up with the standards? Ms. Tyler said yes. Mr. Pollock asked if screening would be up to the Development Review Board to consider? Ms. Tyler replied yes.

Mr. Pollock questioned if the proposed amendments were passed, then a development similar to the Campus Oaks could happen again? Mr. Kowalski stated that the FAR of that type of development would work in the MOR Zoning District. Campus Oaks was zoned R-5, Medium High Density Multiple Family Residential and built before the MOR Zoning District was created. Mr. Pollock remembered that the Campus Oaks development was one of the reasons why the MOR Zoning District was considered.

Mr. Pollock thought along the lines of providing flexibility with multiple lots, but there was a risk involved in terms of the scale of building and the types of things that could be built in the district. The Development Review Board would have to approve whatever would go in on multiple lots. He inquired how staff felt about the assemblage of lots? Ms. Tyler responded by saying that staff shied away from a recommendation allowing assemblage of lots in the first amendment due to diversity of opinion. However, staff did present some information on “what if” and whether there would be some gains and improved projects if there were flexibility. One option that the Plan Commission could consider would be going to a modest increase in the FAR to .75. The application would go from 8,500 square feet to 12,000, which would be the equivalent of two lots rather than one and a half lots. Plan Commission could recommend this as an incentive.

Mr. Pollock asked if this could be allowed as a Special Use Permit, then would the City Council be allowed to look at the design of the project? Ms. Tyler noted that this would not remove the responsibility of the Development Review Board. She added that there were so many ideas laid out in both of staff's memorandums to the Plan Commission. If the commissioners saw something that seemed like it might work with the proper precautions, then staff would try to incorporate it into the text amendment.

Ms. Stake understood that the handicap apartments would be located on the same level as the underground parking. Ms. Tyler responded by saying that had been a catch that had happen in some cases. That would be a design level that the Development Review Board would need to look at. There must be a way to design accessible units and have some parking that would be hidden behind the building.

Ms. Stake inquired if when talking about multiple lots, then they were talking about tearing down more buildings rather than reusing them? Ms. Tyler stated that the probability of more existing buildings being demolished would potentially be higher.

Mr. Pollock asked if it was possible for a provision to be included that there could be no apartments below grade? Ms. Tyler said yes. We would not want the Zoning Ordinance to be creating a violation of some state code.

Ms. Stake did not understand how a developer/property owner would screen a partially underground parking facility. Ms. Tyler commented that the ones that she had seen had open concrete blocks and landscaping. Mr. Kowalski added that a building could be designed in a way that the partially submerged parking would not be noticed.

Ms. Stake inquired whether staff had checked out other cities where they have reused older buildings and had success with using some of them for business purposes? Ms. Tyler stated that as Mr. Weiner said earlier, "It was really market driven."

Ms. Stake felt that a lot of the reasons why businesses have not wanted to locate in the MOR Zoning District have been due to the problems at Lincoln Square. She believed that the City needed to solve all these problems together, because they are really all one problem. Ms. Tyler agreed that the City does have some very needful commercial areas, where there are incentive programs setup through the Tax Increment Finance (TIF) Districts and other programs. In terms of priority of what areas the City wants to invest those commercial incentive dollars, she said that Lincoln Square and Sunnycrest would be right up there. This area would be potentially down the list in terms of commercial area incentive building. Ms. Stake wondered if there were some ways to get funding for historic areas? Ms. Tyler responded by saying that if a property is designated as a historic landmark, then the property owner would get tax credits for remodeling and other efforts.

Ms. Upah-Bant questioned why staff took away the quorum provision in the revised text amendment dated October 17, 2003? Mr. Kowalski answered by saying that the provision had been moved to Section XI-12.F.3 – Development Review Board Decisions. Mr. Hopkins

commented that it does not actually say what a quorum would be to hold a meeting. Mr. Kowalski mentioned that staff could add the wording back in for the quorum.

Mr. Hopkins mentioned that the lot assemblage issue was not really in the text amendment dated October 17, 2003. Mr. Kowalski noted that in the Zoning Ordinance under Article VI. Development Regulations – Section VI-3. Lot Area and Width, it specifies that a developer/property owner could only use 8,500 square feet of a lot to determine the FAR in the MOR Zoning District. It also states that if a property owner has multiple lots put together and is in excess of 17,000 square feet, then the property owner could build multiple structures using still only the 8,500 square-foot rule. Essentially, even though a property owner has four lots, he/she would only be able to use two 8,500 square-foot sections to build two structures instead of one large structure. He added that the point of this was to keep the scale of buildings smaller rather than allowing a large building on multiple lots.

Mr. Hopkins asked if that would still allow a row house complex or a common driveway, shared rear parking configuration? Mr. Kowalski stated that Kevin Hunsinger had taken advantage of this when he developed 604 and 606 West Elm Street.

Mr. Hopkins would like to have the lot assemblage language on the table as well as the proposed text amendment. Ms. Tyler mentioned that it was within the notice that staff provided. It stated that any portion of the Zoning Ordinance that dealt with the MOR Zoning District. Mr. Pollock stated that if a commissioner thought there were changes that were advisable to part of the Zoning Ordinance that deals with the MOR Zoning District and was not in the text amendment already, then he/she could make the recommendation to the City Council as part of this.

Mr. Hopkins questioned if a developer/property owner could construct a building on one lot and put parking on the other lot? Mr. Kowalski replied yes. Mr. Pollock added that parking for structures like this would be considered accessory parking and would not require a Special Use Permit. Mr. Hopkins noted that he was concerned about small lots making desirable kinds of development possible. The effect of which is that the City gets a lot of sideways-turned apartment buildings that nobody likes, but the City was requiring the developers and/or property owners to build.

Mr. White walked down Green Street and noticed that many of the properties in the 700 Block, 300 Block and the 400 Block that were really too narrow to drive beside a structure of any size and park in the rear. He thought it would be more desirable to developers and property owners for the City to come up with language that would allow usage of two and three lots with a single structure on the combined lots. It would still have to go before the Development Review Board, but it might encourage some small businesses to locate in the MOR Zoning District. Mr. Pollock remarked that the question becomes how to protect from the massive structures that could be put on two or three lots that people really have a great concern about, which was what brought the text amendments to the MOR Zoning District about. Mr. White did not believe that a large structure necessarily needed to appear massive or be so overwhelming. He believed that row houses would fit in there.

Ms. Stake talked about the design guidelines and how it would be helpful to have them. Ms. Tyler noted that in the packet for the Plan Commission meeting that was held on October 9, 2003, the last page lists several key elements that were suggested by the Historic Preservation Commission. Most of the key elements will be illustrated in the design guidelines.

Ms. Stake inquired if the specifications for off-street parking would also be developed? Mr. Kowalski stated that staff envisioned those specifications to be part of the design guidelines. Ms. Tyler added that a lot of the parking standards were in place in Article VII of the Zoning Ordinance, which includes geometrics and how to build parking areas. Screening and placement of parking have yet to be developed, but will be included in the pattern design guideline book, which will come before the Plan Commission and the City Council for approval.

Mr. Kangas commented that the MOR Zoning District was created about 10 to 11 years ago. It has sat inactive until this last year. He suggested that staff put it on the calendar in the next 3 to 5 years to be reviewed again to see if the MOR Zoning District was meeting the City's goals and objectives. Ms. Tyler felt that would be a good idea, because it was a unique zone where the City was trying to be creative.

Mr. Hopkins moved adoption of the October 17, 2003 draft as a recommendation to the City Council. Mr. Kangas seconded the motion.

Ms. Stake moved to make an amendment to the motion to change the density by reducing the FAR from .70 to .50. Many of the people who have spoken at the meetings regarding the MOR Zoning District want to save Green Street. They do not want it torn down. She believed that part of the problem was that the City allows too much density in this area. Ms. Upham-Bant seconded the motion.

Ms. Stake felt it was one way to solve some of the problems that have come up, such as the ugliness of the buildings that have been built in this area and parking issues. If the City reduces the FAR from .70 to .50, then there would be about 4,250 square feet available for a building.

Mr. Hopkins noted that he would vote against this amendment, because the .70, with the current restriction to a base of 8,500 square feet, restricts a building to approximately 6,000 square feet on three floors. He felt this was a reasonable size for the location of the lots in this area. In terms of density, whether they various kinds of apartments or zero-lot line kinds of buildings, he thought that the City needed that size of structures. If the City were to calculate some of the FAR of some of the existing houses on Elm Street, we would find that they do not comply.

Mr. Pollock agreed with Mr. Hopkins. He did not think that the problems the City was having in trying to adjust a district to allow some development that fits with the nature of that district was necessarily dependent on or a function of that type of density. The example at 712 West Green Street clearly shows that a structure could be built that fits in with this neighborhood that looks pretty good within the requirements. If the density was reduced to .50, it may, in fact, make those lots unusable. The neighborhood would end up with all the houses there that they want to adapt, and the houses that are not adaptable because of their age or condition, would make those

properties virtually unusable. That would not help preserve the neighborhood and help that neighborhood develop in a way that was compatible.

The motion failed by a voice vote of 1 aye and 5 nays.

Ms. Stake moved to make an amendment to the motion to change the parking space requirement to two spaces for every three bedrooms. This was based on the Urbana City Survey that showed that there were two cars for every three bedrooms in the MOR Zoning District. Mr. Pollock seconded the motion.

Mr. Pollock inquired as to what the current requirement was? Ms. Tyler replied that it was at least one per unit, and it was .5 per bedroom if the bedroom size was less than 120 square feet. Mr. Pollock clarified that this motion would require more parking per bedroom than the City requires. Ms. Tyler added that people would be outside the notice if it applied other than in the MOR Zoning District.

Ms. Stake reasoned that this was to help preserve the MOR Zoning District. When there are too many cars, they would not only ruin the district, but also the areas on both sides of it.

Ms. Upah-Bant replied that she could not vote for it, because the whole idea of living in this area was that it was so close to everything that people should not need to drive. Mr. Hopkins concurred. In this district, if anything he felt that the City should be changing the parking requirement going downward, not upward.

The motion failed by a voice vote of 1 aye and 5 nays.

Ms. Stake moved to make an amendment to the motion to ask the City Council to create disincentives to tearing down the historical homes on Green Street, such as by raising the fee for a demolition permit to \$15,000 and more depending upon the size of the building. The motion failed due to lack of a second.

Ms. Stake moved to make an amendment to the motion to keep the existing Purpose statement in the Ordinance rather than the proposed Purpose statement. She thought the original Purpose statement was better. Ms. Upah-Bant seconded the motion.

Ms. Stake felt it spoke more to the historical preservation of the area than the proposed language. The original Purpose statement was the best of the three. Ms. Upah-Bant agreed.

The motion failed by a voice vote of 2 ayes and 4 nays.

Ms. Stake stated that she wanted to make a motion to require that all accessory parking lots and off-site parking go to the City Council for approval; however, she did not what was going to be done about all of the parking. She asked what was going to happen with that? Ms. Tyler stated that a principal use parking lot would go to City Council as a Special Use Permit. Staff was not proposing any changes to that. Accessory parking was virtually with every project that has parking that was accessory. So that would be a big change in terms of a case going before the

Development Review Board. If there were a variance, it would go before the Zoning Board of Appeals, and to City Council just for the parking portion. If the parking lot would be adjacent, for all intense purposes, it would be the same project under the Zoning Ordinance, because it would be a zoning lot. There could be parking within 600 feet permitted under the Zoning Ordinance, which might look like a principal use parking lot, but in fact, was accessory to something that was nearby. Those are the different ways that parking happens and the different reviews that it undergoes. Currently, it was written that any parking lot should have Development Review Board review, which would include design standards appropriate to parking lots. This was clarified in the October 17th draft as well.

Ms. Stake moved to make an amendment to the motion to have the Development Review Board recommend to the City Council. She felt this was an important issue for historical and neighborhood business. Elected officials should review any proposed use in the MOR Zoning District. She believed that if this had been part of the original text amendment, then there would not be as many problems as there are in the MOR Zoning District. The citizens deserve a decision made by the City Council. The motion failed due to lack of a second.

Ms. Stake moved to make an amendment to suggest to the City Council that pedestrian ways and bicycle paths be established on Green Street along with trees and flowers to enhance the ambience of Green Street's historical area. She also suggested that the calming of traffic on Green Street be a part of the effort to keep Green Street green and beautiful. Mr. Pollock seconded the motion.

Ms. Upah-Bant questioned what would the City Council do? Pass an ordinance? Ms. Stake answered by saying that she went to a meeting on calming traffic and making cities more walkable. Do not see many people walking up and down Green Street. There are ways to make it more pleasant for people to walk on Green Street. The City may need to get a consultant to help, but it could be done.

Ms. Upah-Bant asked if it would be separate from the Zoning Ordinance regarding the MOR Zoning District? Ms. Stake replied no, because it would be very much part of the district, because Green Street was in the MOR Zoning District.

Mr. Pollock remarked that if the City Council wanted to take action on something like this it would most likely be done outside the Zoning Ordinance. Since the Plan Commission was talking about the Ordinance, then the Commission has the ability to make those kinds of recommendations for that area. He agreed strongly that pedestrian friendliness and bicycle paths are crucial to this type of neighborhood. However, he disagreed strongly that it should be considered on Green Street. Green Street is a thoroughfare or entryway into Downtown Urbana. He felt it would do incredible damage to the development of the City of Urbana and to Downtown Urbana by virtually closing off Green Street. He could not support the motion. He noted that he sees a lot of pedestrians on Green Street. People riding bicycles tend to stay off of Green Street because of the traffic, which might be a good idea. If the City put a bicycle path in the middle of that and have traffic calming at intersection, then it would create a terrible mess.

Mr. Hopkins stated that there was an original motion on the floor, but he did not consider this an amendment to that motion. He raised a point of order.

Ms. Stake withdrew her motion for an amendment. Mr. Pollock agreed to the withdrawal.

Ms. Stake moved to make an amendment to the motion to recommend to the City Council that they hire a professional person to market the MOR Zoning District and Lincoln Square Mall. Ms. Upah-Bant seconded the motion.

Mr. Hopkins raised a point of order. It was not an amendment to the original motion on the floor. Ms. Stake withdrew the motion. Ms. Upah-Bant agreed.

Mr. White commented that he liked the October 17th draft. It was a lot better than the October 9th draft, and it makes sense. He would not mind seeing something that dealt more specifically with multiple lots and more square footage. He thought that the only way that development would probably happen in the MOR Zoning District would be to allow lot assemblage.

Mr. Hopkins questioned if when the design guidelines pattern book was finished, would the Plan Commission be making a formal recommendation to the City Council to adopt it into the Zoning Ordinance text amendment? Ms. Tyler replied yes. Plan Commission would be in a better position to look at how development might look on different types of patterns.

Mr. Hopkins stated that he was struggling with the same concept as Mr. White. If the Plan Commission would have the option, then his inclination was to work on the question of lot assemblage at the time when they consider the pattern book. Mr. Pollock believed that would be the proper time to take that issue up. He mentioned that the Plan Commission could revisit the text amendment again and incorporate any amendments regarding lot assemblage when they review the design guidelines. Mr. White felt that it would be wonderful if staff could come up with language that the Plan Commission could discuss regarding this issue at that time.

Ms. Stake talked about preserving trees in the district. Ironically, the property owner at 502 West Green tore down many of the trees on the property to build an apartment building, and then turned around and called it "Campus Oaks". She felt that the City needed an ordinance where people have to ask for permission to cut down trees.

In addition, there were many people who have sent emails with ideas and suggestions on how to improve the MOR Zoning District, and the Plan Commission was not paying attention to them.

Mr. Hopkins moved to make an amendment to the motion to delete Section XI-12.A.3.d – Development Review Board Creation and Purpose, which reads as such: *Determine if proposed development plans meet the requirements of the Urbana Zoning Ordinance.* He did not feel that this was or should be a duty of the Development Review Board. Mr. White seconded the motion.

Mr. Hopkins felt that this was not consistent with the way determinations are made of compliance with the Zoning Ordinance anywhere else in the City. It was a staff determination for everywhere else in the City.

Mr. Pollock inquired what would be imperative if this was removed? Mr. Kowalski replied that it was held over from the old process, which when the Development Review Board members were made up of City staff, it was one of their functions to determine if development plans met the requirements of the Zoning Ordinance. He stated that staff did not have a problem with Mr. Hopkins amendment.

The motion was passed by a voice vote of 6 ayes and 0 nays.

Mr. Hopkins moved to make an amendment to the motion to delete Section XI-12.I.3 – Development Review Board Development Plan Review Criteria Impact to Public Facilities, which reads as follows: *The Development Review Board shall consider if the proposal will overburden the capacities of existing streets, utilities, sewers and other public facilities. The Board shall also consider the impacts of drainage and if the proposed site plan demonstrates compliance with the requirements of the Urbana Development Regulations for drainage.* Mr. Hopkins felt it was or should not be a duty of the Development Review Board for the same reasons as the previous amendment. Mr. White seconded the motion.

The motion was passed by a voice vote of 6 ayes and 0 nays.

Ms. Stake moved to make an amendment to the motion to add one additional member from both the Plan Commission and the Historic Preservation Commission to make it a total of two members from each of those commissions to serve on the Development Review Board. The motion failed due to lack of a second.

Roll call was taken on the main motion, which was as follows:

Mr. White	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Stake	-	No	Mr. Pollock	-	Yes
Mr. Kangas	-	Yes	Mr. Hopkins	-	Yes

The motion was passed by a 5-1 vote, and that recommendation will go as amended to the City Council.

Ms. Upah-Bant moved that a standard quorum of the Development Review Board be set at a majority of the members. Mr. Hopkins seconded the motion.

Ms. Stake mentioned again that she felt there would be problems by not having the Development Review Board send recommendations on future proposals to the City Council. The citizens deserve to have their elected officials to make the decisions for the City. Mr. Pollock remarked that to send everyone of the Development Review Board cases to the City Council would be a huge mistake. The Development Review Board was for a specific reason and was constituted in a specific way to deal with issues in the MOR Zoning District. The City was trying to encourage

adaptive reuse and make certain types of development in this area easier. Sending every case to the City Council for a decision would certainly not be the way to do it.

The motion was passed by a voice vote of 6-0.

Ms. Stake moved to ask City Council to hire a professional to market the MOR Zoning District and Lincoln Square. Ms. Upah-Bant seconded the motion.

Ms. Tyler noted that in the last year, City Council did create a new position in the Community Development Department for a Redevelopment Specialist. The position was funded by Tax Increment Finance (TIF) dollars. One of the responsibilities of this individual was to assist with marketing commercial properties, which would include the MOR Zoning District and Lincoln Square. The City was still searching for a replacement for the Economic Development Manager. The Redevelopment Specialist, Ryan Brault, would report to the Economic Development Manager (when hired).

Mr. Pollock commented that he would not support the motion, because staff has someone who was responsible for doing that type of work. However, if the Plan Commission wanted to recommend to the City Council or staff that additional hours and effort be put into marketing this area, then that would be appropriate. Ms. Stake stated that she would accept that as a friendly amendment.

Mr. Pollock moved to make a friendly amendment to the motion that the Plan Commission recommend to the City Council and to staff that additional efforts be made to promote and market the MOR Zoning District.

Mr. Hopkins spoke against this, because it took the attitude that the City's responsibility was to focus on this particular area, and that the City was making the judgment that this area was more important place to allocate staff hours than other areas in the community. He thought it was inappropriate to make such a recommendation. Mr. White agreed.

Mr. Pollock felt that he could trust staff to establish the balance. He did not mean to imply that one area of the City of Urbana was more important than another. However, for one of the major purposes for this area, which was adaptive reuse and balance in this area, he did not see anything wrong with using City marketing on the edge of a downtown area that the City was trying to develop as a commercial area to some degree and encourage staff and the City Council to put some effort into doing that.

The motion failed due to a voice vote of 3 Ayes to 3 Nays.

Ms. Upah-Bant requested a final copy before it went to the City Council.